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ILLINOIS DOCUMENTS

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# ILLINOIS

## REGISTER RULES OF GOVERNMENTAL AGENCIES



Volume 24, Issue 39  
September 22, 2000

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**EDITOR'S NOTE:** The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indices are as follows:

- Issue 16 - April 14, 2000: Data Through March 31, 2000
- Issue 29 - July 14, 2000: Data Through June 30, 2000
- Issue 42 - October 13, 2000: Data Through September 30, 2000
- Issue 3 - January 19, 2001: Data Through December 31, 2000 (Annual)



## INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

## REGISTER PUBLICATION SCHEDULE 2000

Issue #	Copy Due by 4:30 p.m.	Publication Date	Issue #	Copy Due by 4:30 p.m.	Publication Date
Issue 1	December 27, 1999	January 7, 2000	Issue 28	June 26	July 7
Issue 2	January 4, 2000*	January 14	Issue 29	July 3	July 14
Issue 3	January 10	January 21	Issue 30	July 10	July 21
Issue 4	January 18*	January 28	Issue 31	July 17	July 28
Issue 5	January 24	February 4	Issue 32	July 24	August 4
Issue 6	January 31	February 14**	Issue 33	July 31	August 11
Issue 7	February 7	February 18	Issue 34	August 7	August 18
Issue 8	February 14	February 25	Issue 35	August 14	August 25
Issue 9	February 22*	March 3	Issue 36	August 21	September 1
Issue 10	February 28	March 10	Issue 37	August 28	September 8
Issue 11	March 6	March 17	Issue 38	September 5*	September 15
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Issue 13	March 15	March 26	Issue 40	September 18	September 29
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Issue 16	April 3	April 14	Issue 44	October 10*	October 20
Issue 17	April 10	April 21	Issue 43	October 16	October 27
Issue 18	April 17	April 28	Issue 44	October 23	November 3
Issue 19	April 24	May 5	Issue 45	October 30	November 13**
Issue 20	May 1	May 12	Issue 46	November 6	November 17
Issue 21	May 8	May 19	Issue 47	November 13	November 27**
Issue 22	May 15	May 26	Issue 48	November 20	December 1
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Issue 25	June 5	June 16	Issue 51	December 11	December 22
Issue 26	June 12	June 23	Issue 52	December 18	December 29
Issue 27	June 19	June 30	Issue 1	December 26*	January 5, 2001

\* Tuesday 12 noon deadline following a state holiday.

\*\* Monday publication date following a state holiday.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Non-Discrimination in Affiliate Transactions for Gas Utilities
- 2) Code Citation: 83 Ill. Adm. Code 550
- 3) Section Numbers:
- |         |                  |
|---------|------------------|
| 550.10  | Proposed Action: |
| 550.20  | New Section      |
| 550.30  | New Section      |
| 550.40  | New Section      |
| 550.50  | New Section      |
| 550.60  | New Section      |
| 550.70  | New Section      |
| 550.80  | New Section      |
| 550.85  | New Section      |
| 550.90  | New Section      |
| 550.100 | New Section      |
| 550.110 | New Section      |
| 550.120 | New Section      |
| 550.130 | New Section      |
| 550.140 | New Section      |
| 550.150 | New Section      |
| 550.160 | New Section      |

- 4) Statutory Authority: Implementing Section 9-241 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/9-241 and 10-101].

- 5) A Complete Description of the Subjects and Issues Involved: With the development of transportation services in the gas industry from large industrial and commercial customers to smaller customers, it is expected that transportation services will be made available in the near future to residential customers on a pilot basis by at least one Illinois gas utility. The Commission has observed: (1) utility affiliate marketers are becoming significant factors in the Illinois unbundled gas market; (2) as transportation services move to smaller customers, marketing costs become larger relative to per customer revenue and misuse of utility customer specific information to advantage its affiliated marketer becomes a more significant threat; and (3) increasing competition between marketing affiliates of gas and electric utilities increases the need for similar treatment of affiliate relationships in the two industries.

Non-discrimination rules may prevent gas utilities from (1) providing advantages to their affiliates by allowing greater flexibility in accepting late nominations or revised nominations during "critical" periods when penalties may apply; (2) providing free services to a marketing affiliate, the cost of which is recovered from utility customers in general; (3) providing more timely meter reading data, more timely monthly and daily nomination confirmations, and more timely nomination

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED RULES

requirement forecasts; (4) tying transportation discounts, such as application of anti-bypass rates, to the customer's use of a marketing affiliate's services; (5) providing more timely processing of affiliate marketer's new accounts; and (6) providing lists of potential customers, their usage patterns, and credit history; or disclosing competitively sensitive information to the affiliate relating to transportation service, especially information about non-affiliated marketers.

- 6) Will these proposed rules replace emergency rules currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed rules contain incorporations by reference? No
- 9) Are there any other proposed rules pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any State mandate on units of local government, school districts, or community college districts.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed with the Chief Clerk within 45 days after the date of this issue of the *Illinois Register*:

Donna M. Caton  
Chief Clerk  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield IL 62701  
(217)782-7434

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: These amendments will affect any gas utilities or affiliates of gas utilities that are also small businesses as defined in the Illinois Administrative Procedure Act.

B) Reporting, bookkeeping or other procedures required for compliance: Reporting and bookkeeping

C) Types of professional skills necessary for compliance: Managerial skills

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: the Commission did not anticipate First Notice at this time.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED RULES

The full text of the Proposed Rules begins on the next page:

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED RULES

TITLE 83: PUBLIC UTILITIES  
CHAPTER 1: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER d: GAS UTILITIES

## PART 550

## NON-DISCRIMINATION IN AFFILIATE TRANSACTIONS FOR GAS UTILITIES

Section	
550.10	Definitions
550.20	Non-Discrimination
550.30	Marketing and Advertising
550.40	Tying
550.50	Release, Assignment, Transfer, and Brokering of Capacity
550.60	Nondiscriminatory Provision of Information to Unaffiliated Entities
550.70	Customer Information
550.80	Exception for Corporate Support Information
550.85	Indirect Information Sharing
550.90	Confidentiality of ARGS Information
550.100	Independent Functioning
550.110	Employees
550.120	Transfer of Goods and Services
550.130	List of Affiliated Interests
550.140	Maintenance of Books and Records and Commission Access
550.150	Internal Audits
550.160	Complaint Procedures

AUTHORITY: Implementing Section 9-241 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/9-241 and 10-101].

SOURCE: Adopted at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 550.10 Definitions

"Act" means the Public Utilities Act [220 ILCS 51-101 et seq.].

"Affiliated interest" has the same meaning as in Section 7-101(2) of the Act.

"Affiliated interests in competition with alternative retail gas suppliers" shall include affiliated alternative retail gas suppliers that provide services to customers within the service territory of the utility with which it is affiliated, as well as affiliated interests that broker, sell, or market gas to customers within the service territory of the utility with which it is affiliated, or that provide consulting services directly related to the sale of gas to customers within the service territory of the utility with which it is affiliated.



## ILLINOIS COMMERCE COMMISSION

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"Alternative retail gas supplier" or "ARGS" means any entity that provides or arranges to provide gas supplies to a retail customer. A gas utility is an ARGS except where it is the final conveyer of gas to the retail customer.

"Corporate support" means corporate oversight and governance involving administrative services (including travel administration, security, printing, graphics, custodial services, secretarial support, mail services, and records management), financial management services (including accounting, treasury, internal audit, tax, and financial reporting and planning), data processing, shareholder services, human resources, employee benefits, regulatory affairs, legal services, lobbying, and non-marketing research and development activities. Corporate support also includes strategic planning.

"Emergency support" means the temporary provision of personnel and other resources when consumer safety is at risk or to help maintain service during emergencies where interruption of service can only be avoided or reduced through the sharing of employees.

"Gas utility" is a public utility, as defined in Section 3-105 of the Act [220 ILCS 5/3-105], that is engaged in the conveyance of gas by pipeline.

"Transportation services" are those services provided by a gas utility that enable a customer to obtain gas supplies from an ARGS.

"Unaffiliated entity" means any entity other than either the gas utility or any of the gas utility's affiliated interests.

**Section 550.20 Non-Discrimination**

a) Gas utilities shall not provide affiliated interests or customers of affiliated interests preferential treatment or advantages relative to unaffiliated entities or their customers in connection with services provided under tariffs on file with the Illinois Commerce Commission (Commission) including contracts filed under tariffs filed pursuant to Section 9-102.1 of the Act [220 ILCS 5/9-102.1]. This provision applies broadly to all aspects of service, including, but not limited to, responsiveness to requests for service, the availability of firm versus interruptible services, the imposition of special metering requirements, and all terms and conditions and charges specified in the tariff.

b) Gas utilities and affiliated interests shall not notify potential or actual customers, either directly or indirectly, advertise to the public, or otherwise communicate that the gas utility provides any advantages relating to the scheduling, transportation or distribution of gas to affiliated interests or their customers relative to

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED RULES

unaffiliated entities and their customers.  
c) A utility shall process requests for similar services provided by the utility in the same manner and within the same time period for its affiliated interests as for unaffiliated entities.

d) If discretion is permitted in application of a tariff provision, gas utilities shall maintain a log detailing each instance in which it exercised discretion, as required in Section 550.140(c).

e) If a gas utility offers affiliated interests or customers of affiliated interests a discount, rebate, fee waiver or waivers of its ordinary terms and conditions for services provided under tariffs on file with the Commission, it shall contemporaneously offer the same discount, rebate, fee waiver or waivers of its ordinary terms and conditions to all unaffiliated entities and customers of unaffiliated entities, to the extent consistent with the tariffs. Gas utilities shall maintain a log of these instances, as required in Section 550.140(c).

f) When providing transportation services as a component of any bundled service, a gas utility shall not offer affiliated interests or the customers of affiliated interests a discount, rebate, fee waiver or waivers of its ordinary terms and conditions for transportation services on file with the Commission unless the gas utility contemporaneously offers the same discount, rebate, fee waiver or waivers of its ordinary terms and conditions to all unaffiliated entities and customers of unaffiliated entities.

**Section 550.30 Marketing and Advertising**

a) A gas utility shall neither jointly advertise nor jointly market its services or products with those of an affiliated interest.

b) Nothing in subsection (a) shall be construed as prohibiting an affiliated interest from using the corporate name or logo of a gas utility or gas utility holding company.

**Section 550.40 Tying**

Gas utilities shall not tie, as defined by State and Federal anti-trust laws, the provision of any transportation services to the taking of any goods and services from the gas utilities' affiliated interests.

**Section 550.50 Release, Assignment, Transfer, and Brokering of Capacity**

Except to the extent reserved to the sole and exclusive jurisdiction of the Federal Energy Regulatory Commission (FERC), gas utilities shall not grant preferences regarding the release, assignment, transfer, or brokering of gas interstate pipeline system capacity to affiliated interests or their customers.

**Section 550.60 Nondiscriminatory Provision of Information to Unaffiliated Entities**

## ILLINOIS COMMERCE COMMISSION

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Employees of the gas utility's affiliated interests in competition with ARGS shall not have preferential access to any information about the gas utility's distribution systems.

**Section 550.70 Customer Information**

Gas utilities shall not provide any preferences to affiliated interests in requesting authorization for the release of customer information.

**Section 550.80 Exception for Corporate Support Information**

Except as proscribed by Sections 550.60 and 550.70, gas utilities may share information concerning corporate support with affiliated interests without being required to share this information with unaffiliated entities.

**Section 550.85 Indirect Information Sharing**

A gas utility shall neither directly nor indirectly provide preferential access to information to any of the utility's affiliated interests in competition with ARGS where the utility's direct sharing of this information with an affiliated interest in competition with ARGS would violate any Section of the Public Utilities Act or any Section of this Part.

**Section 550.90 Confidentiality of ARGS Information**

Gas utilities shall treat all information obtained from an ARGS as confidential information and shall not provide this information to its affiliated interests or to unaffiliated entities unless the ARGS provides authorization to do so.

**Section 550.100 Independent Functioning**

Except in relation to corporate support and emergency support, gas utilities and affiliated interests in competition with ARGS that provide services to customers within the utility's service territory shall function independently of each other and shall not share services or facilities.

**Section 550.110 Employees**

- a) Except in relation to corporate support and emergency support, gas utilities and their affiliated interests in competition with alternative retail gas suppliers shall not jointly employ or otherwise share the same employees.
- b) Gas utilities shall not jointly employ or otherwise share employees engaged in providing transportation services with their affiliated interests in competition with alternative retail gas suppliers.
- c) Subsections (a), (b), and (d) of this Section shall not apply to any employee covered by a collective bargaining agreement subject to federal labor law, including the Labor Management Relations Act and

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED RULES

the National Labor Relations Act.

- d) Each gas utility that has an affiliated interest in competition with ARGS shall maintain a log detailing the transfer of employees: from the utility to its affiliated interests in competition with ARGS; from the utility to its other affiliated interests; and from the utility's other affiliated interests to its affiliated interests in competition with ARGS. This subsection shall not apply to employee transfers to or from corporations that are affiliated interests of the gas utility solely because they share a common director. The log shall be made available to the Commission upon request.

**Section 550.120 Transfer of Goods and Services**

- a) Transactions between a gas utility and its affiliated interests shall not be allowed to subsidize the affiliated interests.
- b) Costs associated with the transfer of goods and services between a gas utility and its affiliated interests, including affiliated interests in competition with ARGS, shall be priced as specified in, and allocated pursuant to, the Commission approved services and facilities agreement or affiliated interests agreement. Any transfer of goods and services between a gas utility and its affiliated interests that is not explicitly addressed in a Commission approved services and facilities or affiliated interests agreement is prohibited unless the transfer has been otherwise specifically approved by the Commission pursuant to Section 7-101 of the Act or approval has been waived by statute or Commission rule.

**Section 550.130 Lists of Affiliated Interests**

- a) Each gas utility shall maintain an accurate list of all its affiliated interests. This list shall include the name and address of each affiliated interest and the name and business telephone number of at least one officer of each affiliated interest. The gas utility shall make this list available to the public upon request.
- b) The gas utility shall file this list and any subsequent changes to the list with the Chief Clerk of the Commission. The gas utility shall also send copies of the list and subsequent changes to the Director of the Accounting Department and the Manager of the Consumer Services Division of the Commission. The Chief Clerk of the Commission shall make the most recent list of each gas utility available to the public upon request.

**Section 550.140 Maintenance of Books and Records and Commission Access**

- a) A gas utility shall maintain books, accounts, and records separate from those of its affiliated interests.
- b) Upon the request of the Commission, gas utilities shall make personnel available who are competent to respond to the Commission's inquiries

## ILLINOIS COMMERCE COMMISSION

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regarding the nature of any transactions that have taken place between the gas utility and its affiliated interests, including but not limited to the goods and services provided, the prices, terms and conditions, and other considerations given for the goods and services provided.

- c) Each gas utility shall maintain a log detailing: each instance in which it exercised discretion in the application of tariff provisions; each instance in which it offered affiliated interests or customers of affiliated interests services not governed by tariffs, except for corporate support transactions; and each instance in which it offered affiliated interests or customers of affiliated interests a discount, rebate, fee waiver or waivers of the gas utility's ordinary terms and conditions in connection with services provided under tariffs on file with the Commission. The gas utility shall make this log available to the Commission upon request. The log shall contain the following information:
- 1) the names of the affiliated interests and unaffiliated entities involved in the transaction;
  - 2) a description of the transaction;
  - 3) the time period over which the transaction applies; and
  - 4) the quantities and locations involved in the transaction.

## Section 550.150 Internal Audits

- a) Gas utilities shall conduct biennial internal audits on transactions with affiliated interests. These audits shall test compliance with this Part, with any applicable Commission orders, with the gas utility's affiliated interest operating agreement(s) and/or guidelines, with 83 Ill. Adm. Code 505, and with 83 Ill. Adm. Code 510. The audits shall include written reports of conclusions and associated workpapers that shall be available to the Commission Staff for review. The audit reports shall be submitted to the Commission's Director of Accounting within 30 days after completion. Any audit performed pursuant to this Section may be designated as confidential with the Commission's Director of Accounting.
- b) The first internal audit report shall be submitted on or before December 1, 2001. Succeeding audit reports shall be submitted on or before December 1 of each odd numbered succeeding year.
- c) Subsections (a) and (b) of this Section shall not apply to transactions with corporations that are affiliated interests of the gas utility solely because they share a common director or transactions with individuals that are affiliated interests of the gas utility solely because they are an elective officer or director of the gas utility.

## Section 550.160 Complaint Procedures

Complaints alleging violations of this Part shall be filed pursuant to 83 Ill.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED RULES

Adm. Code 200.



## OFFICE OF THE COMPTROLLER

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Joint Rules of the Comptroller and the Department of Central Management Services: Prompt Payment

2) Code Citation: 74 Ill. Adm. Code 330

3) Section Numbers: Proposed Action:  
330.70 Amendment

4) Statutory Authority: 30 ILCS 540

5) A. Complete Description of the Subjects and Issues Involved: The proposed amendment to Section 330.70(c) reflects the most recent language and dollar threshold for execution of contracts. It is a joint rulemaking with the Department of Central Management Services, which means Part 330 text is identical to DCMs Part 900 of the same title. This same amendment was proposed for DCMs rules at 74 Ill. Adm. Code 900.70 and published at 24 Ill. Reg. 8438 in the June 23, 2000 issue of the *Illinois Register*.

6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days of the date of publication to:

Whitney Wagner Rosen  
Legislative Counsel  
Office of the Comptroller  
201 State Capitol  
Springfield, Illinois 62706  
217/782-0905

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking will impact those who are owed money by the State.

B) Reporting, bookkeeping or other procedures required for compliance:

## OFFICE OF THE COMPTROLLER

## NOTICE OF PROPOSED AMENDMENT

None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: This rulemaking was not summarized.

The full text of the proposed amendment is the same as text proposed for 74 Ill. Adm. Code 900 in the June 23, 2000 issue of the *Illinois Register* as a joint rulemaking of the Department of Central Management Services and the Comptroller. As this joint rule text appears in the *Illinois Administrative Code* at Part 900 and is only cross-referenced at Part 330, it is not reprinted here for Part 330.

DEPARTMENT OF HUMAN SERVICES  
NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Food Stamps
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) Section Numbers: Proposed Action:  
121.58 Amendment
- 4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].
- 5) A. Complete Description of the Subjects and Issues involved: This rulemaking is the result of an approved waiver to provide better service to households with a reduction of case errors. This change will allow vehicles of low equity value to be exempt from consideration as an asset. It will benefit households who need transportation to achieve self-sufficiency that are currently ineligible because they own a vehicle of high fair market value.
- 6) Will this proposed amendment replace an emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? Yes

Section Numbers Proposed Action Illinois Register Citation  
121.63 Amendment 24 Ill. Reg. 8186, 6/16/00

- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor Harris Bldg.  
Springfield IL 62762  
(217) 785-9772

If because of physical disability you are unable to put comments into

DEPARTMENT OF HUMAN SERVICES  
NOTICE OF PROPOSED AMENDMENTS

writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary form compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: The Department did not anticipate the need for the rulemaking at that time.

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121  
FOOD STAMPS

## SUBPART A: APPLICATION PROCEDURES

Section	
121.1	Application for Assistance
121.2	Time Limitations on the Disposition of an Application
121.3	Approval of an Application and Initial Authorization of Assistance
121.4	Denial of an Application
121.5	Client Cooperation
121.6	Emergency Assistance
121.7	Expedited Services
121.10	Interviews

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121.18	Work Requirement
121.19	Ending a Voluntary Quit Disqualification (Repealed)
121.20	Citizenship
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121.29	Exemptions from Voluntary Quit/Reduction in Work Hour Rules

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## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

121.53	Income From Rental Property
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121.71	Living Arrangement
121.72	Nonhousehold Members
121.73	Ineligible Household Members
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121.80	Fraud Disqualification (Renumbered)
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121.83	Notification To Applicant Households (Renumbered)
121.84	Disqualification Upon Finding of Fraud (Renumbered)
121.85	Court Imposed Disqualification (Renumbered)
121.90	Monthly Reporting and Retrospective Budgeting (Repealed)
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 121.226 Meeting the Work Requirement with the JTPA Employability Services Component

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980; for maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12699, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November

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18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17898, peremptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; peremptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121-200 thru 121-208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 25, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; peremptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; peremptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; peremptory amendment at 14 Ill. Reg.

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15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; peremptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 15 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; peremptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 3, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; peremptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. 10198, effective June 27, 2000; amended at 24 Ill. Reg.

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## SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

## Section 121.58 Exempt Assets

- a) Homestead Property
- 1) The home and surrounding property which, exclusive of public rights of way, is not separated from the home by intervening property owned by others.
  - 2) Homes which are temporarily unoccupied for reasons of employment, training for future employment, illness, or inability caused by casualty or natural disaster, remain exempt if the household intends to return.
  - 3) A lot owned or being purchased by the household if the household intends to build or is building a permanent home and the household does not currently own a home.
- b) Personal Property
- Household goods, personal effects, one burial plot per household member, and the cash value of life insurance policies and pension plans except Individual Retirement Accounts (IRA's) and Keogh Plans which do not involve a household member in a contractual relationship with someone who is not a member of the same food stamp household. If the Keogh plan involves a member of the household and someone who is not a member of the same food stamp household, it is exempt unless the client can withdraw funds from the plan without affecting the other individual or individuals.
- c) Income Producing Property
- 1) Property which is annually producing income consistent with its fair market value (including land or buildings being sold by installment contract), even if only used on a seasonal basis.
  - 2) Property which is essential to the employment or self-employment of a household member, such as, farmland and work related equipment (tools of a tradesman, farm machinery). In the case of farm property (including land, equipment, and supplies) that is essential to the self-employment of a household member in a farming operation, the value of such property shall be excluded from financial resources until the expiration of the one year period beginning on the date such member ceases to be self-employed in farming.
  - 3) A rental home which is used by a household for vacation purposes at sometime during the year is an asset, unless excluded by subsection (c)(1) of this Section.
- d) Disaster Relief Payments
- Disaster relief payments provided by federal, state or local government or a disaster assistance organization.
- e) Inaccessible Assets
- Assets whose cash value is not accessible to the household, such as but not limited to:
- 1) irrevocable trust funds,

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- 2) security deposits on rental property and utilities,
  - 3) property in probate,
  - 4) real property when a good faith effort is being made to sell at a reasonable price
  - 5) jointly owned assets which cannot be practically subdivided and are accessible only with the consent of the joint owner who refuses to give that consent,
  - 6) non-liquid asset or assets (see Section 121.57(b)(2)(B)) which have a lien against it as a result of a business loan and the household is prohibited by the security or lien agreement from selling the asset or assets,
  - 7) monies received from the Social Security Administration under the PASS Program that are held in a separate account, or an asset ~~assets~~ if when sold or otherwise disposed of would net the household less than \$1000 (or less than \$1500 if there is a person age 60 or older in the household). The net is determined by subtracting the expenses of disposing of the property from the equity value. This does not apply to ~~vehicles~~ negotiable financial instruments or stocks and bonds.
- f) Prorated Income
- Money which has been prorated as income, such as income of self-employed persons or students.
- g) Indian Lands
- Indian lands held jointly with the tribe, or land that can be sold only with the approval of the Bureau of Indian Affairs.
- h) Federal Statute Exclusions
- Assets excluded for food stamp purposes by express provision of Federal Statute.
- i) Licensed Vehicles
- 1) used primarily for producing income such as, but not limited to, a taxi, truck, or fishing boat. "Used primarily" means: used over 50% of the time the vehicle is used;
  - 2) annually producing income consistent with its fair market value (even if only used on a seasonal basis);
  - 3) necessary for long distance travel essential to employment, other than daily commuting (such as a sales person, migrant farmworker);
  - 4) necessary for subsistence hunting or fishing (game and fish necessary for the livelihood of the household);
  - 5) used as the household's home;
  - 6) necessary to transport a physically disabled household member regardless of the purpose of such transportation. Only one vehicle per disabled person is allowed. The vehicle need not be specially equipped or used primarily for the transportation of the disabled individual;
- \*Agency Note: Exclusions 1-6 also apply when the vehicle is not in use because of temporary unemployment.
- 7) When the equity value is less than 1/2 of the household's asset,

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

disregard. See Section 121.59 for the asset disregards.  
 87) The equity value (but not fair market value) of one licensed vehicle per household, regardless of its use;

98) The equity value (but not fair market value) of any other licensed vehicles used to transport household members to and from employment, training or education which is preparatory for employment, or to seek employment in compliance with job search criteria. Temporary periods of unemployment are not to affect this exemption; and

109) Property, real or personal, to the extent that it is directly related to the maintenance or use of a vehicle excluded under subsections (1)(1), (1)(2) or (1)(3) of this Section.

j) Assets of an AFDC or SSI household member  
 All assets of a household member who receives AFDC or SSI benefits.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED RULES

1) Heading of the Part: Privacy of Personal Information

2) Code Citation: 50 Ill. Adm. Code 4001

<u>Section Numbers:</u>	<u>Proposed Action:</u>
4001.10	New Section
4001.20	New Section
4001.30	New Section
4001.40	New Section
4001.50	New Section

4) Statutory Authority: Implementing Article XL of the Illinois Insurance Code [215 ILCS 5/1001 through 1024] and Title V of the Gramm-Leach-Bliley Act (15 USC 6801 through 6827) and authorized by Section 401 and Article XL of the Illinois Insurance Code [215 ILCS 5/401 and 1001 through 1024].

5) A Complete Description of the Subjects and Issues Involved: Part 4001 will implement Article XL of the Illinois Insurance Code [215 ILCS 5/1001 through 1024] and Title V of the Gramm-Leach-Bliley Act (15 USC 6801 through 6827) which govern the treatment of personal information about individuals by all licensees of the Illinois Department of Insurance. Pursuant to Sections 6804 and 6805 of the GLBA (15 USC 6804 and 6805), this Part establishes the date by which Department licensees must comply with the provisions of the Act.

6) Will this proposed rule replace an emergency rule currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rule will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Cindy Stephenson  
 Staff Attorney  
 Department of Insurance  
 320 West Washington  
 Springfield, Illinois 62767-0001  
 (217) 782-1785



DEPARTMENT OF INSURANCE  
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12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: This new rule will not affect small businesses, small municipalities or not for profit corporations.
- B) Reporting, bookkeeping or other procedures required for compliance: None

- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: the Department did not anticipate the need to promulgate regulatory standards during the second half of 2000.

The full text of the Proposed Rules begins on the next page:

DEPARTMENT OF INSURANCE  
NOTICE OF PROPOSED RULES

TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF INSURANCE  
SUBCHAPTER tt: INSURANCE INFORMATION AND PRIVACY PROTECTION

PART 4001  
PRIVACY OF PERSONAL INFORMATION

Section	Purpose
4001.10	Applicability
4001.20	Definitions
4001.30	Enforcement
4001.40	Effective Date

**AUTHORITY:** Implementing Article XI of the Illinois Insurance Code [215 ILCS 5/Art. XI] and Title V of the Gramm-Leach-Bliley Act (15 USC 6801 through 6827) and authorized by Section 401 and Article XI of the Illinois Insurance Code [215 ILCS 5/401 and Art. XI].

**SOURCE:** Emergency rules adopted at 24 Ill. Reg. 12137, effective July 31, 2000, for a maximum of 150 days; adopted at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 4001.10 Purpose**

This Part will implement Article XI of the Illinois Insurance Code [215 ILCS 5/Art. XI] and Title V of the Gramm-Leach-Bliley Act (15 USC 6801 through 6827) which govern the treatment of personal information about individuals by all licensees of the Illinois Department of Insurance.

**Section 4001.20 Applicability**

This Part applies to all insurers, producers, and other persons licensed or required to be licensed, or authorized or required to be authorized, or registered or required to be registered, or domiciled pursuant to the Illinois Insurance Code. This Part also applies to unauthorized insurers who accept business placed through a licensed surplus line producer in this State, but only in regard to the surplus line placements placed pursuant to Section 445 of the Illinois Insurance Code [215 ILCS 5/445].

**Section 4001.30 Definitions**

Director means the Director of the Illinois Department of Insurance.

Illinois Insurance Code means any of the Acts in Chapter 215 of the Illinois Compiled Statutes.

## DEPARTMENT OF INSURANCE

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Licensee means all insurers, producers, and other persons licensed or required to be licensed, or authorized or required to be authorized, or registered or required to be registered, or domiciled pursuant to the Illinois Insurance Code. Licensee shall also include unauthorized insurers who accept business placed through a licensed surplus line producer in this State, but only in regard to the surplus line placements placed pursuant to Section 445 of the Illinois Insurance Code [215 ILCS 5/445].

**Section 4001.40 Enforcement**

This Part, Article XL of the Code [215 ILCS 5/Art. XL], and Title V of the Gramm-Leach-Bliley Act (15 USC 6801 through 6827) shall be enforced by the Director with respect to all licensees.

**Section 4001.50 Effective Date**

This Part is effective immediately upon filing. In order to provide sufficient time for licensees to establish policies and systems to comply with the requirements of Title V of the Gramm-Leach-Bliley Act (15 USC 6801 through 6827), effective November 13, 2000, and the provisions of this Part, the Director has extended the time for compliance with Title V of the Gramm-Leach-Bliley Act (15 USC 6801 through 6827) and this Part until July 1, 2001.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Dog Training on Department-Owned or -Managed Sites
- 2) Code Citation: 17 Ill. Adm. Code 950
- 3) Section Numbers: Proposed Action:  
950.40 Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.4, 2.30, 2.34 and 3.5 of the Wildlife Code [520 ILCS 5/1.4, 2.30, 2.34 and 3.5].
- 5) A Complete Description of the Subjects and Issues Involved: Jim Edgar Panther Creek State Fish and Wildlife Area was added to the list of sites open to dog training.
- 6) Will this rulemaking replace any emergency amendment currently in effect?  
Yes

Section Numbers      Emergency Action      Illinois Register Citation  
950.40                      Amendment                      24 Ill. Reg. September 8, 2000

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price  
Department of Natural Resources  
524 S. Second Street  
Springfield IL 62701-1787  
217/782-1809

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

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- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rule was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: the Department did not anticipate that site infrastructure improvements would reach a stage of completion to allow dog training.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES  
NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION  
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER b: FISH AND WILDLIFE

PART 950  
DOG TRAINING ON DEPARTMENT-OWNED OR -MANAGED SITES

Section	Statewide Regulations
950.10	Definitions
950.20	Permit Requirements
950.30	Dog Training Seasons and Regulations
950.40	Dog Training Regulations (Repealed)
950.50	Penalties, Future Rights/Appeal Procedures
950.60	

AUTHORITY: Implementing and authorized by Sections 1.4, 2.30, 2.34 and 3.5 of the Wildlife Code [520 ILCS 5/1.4, 2.30, 2.34 and 3.5].

SOURCE: Amendment filed December 21, 1977; effective December 31, 1977; codified at 5 Ill. Reg. 10652; Part repealed, new Part adopted at 12 Ill. Reg. 1808, effective December 31, 1987; amended at 14 Ill. Reg. 13524, effective August 10, 1990; amended at 15 Ill. Reg. 11581, effective August 2, 1991; amended at 16 Ill. Reg. 11034, effective June 30, 1992; amended at 17 Ill. Reg. 13447, effective July 30, 1993; amended at 19 Ill. Reg. 11780, effective August 3, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 23 Ill. Reg. 8392, effective July 7, 1999; emergency amendment at 24 Ill. Reg. 14069, effective September 1, for a maximum of 150 days; amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 950.40 Dog Training Seasons and Regulations

- a) Dog training is prohibited on Department sites except in designated areas.
- b) The use of horses for dog training purposes is prohibited except at the sites designated by (1).
- c) Only handguns and shotguns with blank cartridges shall be used on Department sites except shotguns with shot shells may be used only for shoot-to-retrieve training using domestic pigeons and/or captive-reared ring-necked pheasants, bobwhite quail, chukar partridge, and mallard ducks at the sites ~~state~~ designated by (2).
- 1) Only shot shells with a shot size of No. 6 lead, tungsten-iron, tungsten-polymer, tungsten-matrix, No. 5 bismuth, No. 4 steel or tin, or smaller shall be used for shoot-to-retrieve dog training.
- 2) Individuals participating in shoot-to-retrieve dog training are required to wear a cap and upper outer garment of solid and vivid blaze orange of at least 400 square inches.
- 3) Individuals participating in shoot-to-retrieve dog training are

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

required to wear a back patch issued at the site headquarters on the outside of the upper outer blaze orange garment.

- d) Dog training at the following sites will be open from September 1 - March 31, except closed during site upland game season; additional exceptions in parenthesis:

Carlyle Lake Lands and Waters

Clinton Lake State Recreation Area

Edward R. Madigan State Park

Eldon Hazlet State Park (January 1 - March 31, except north of Allen Branch open per statewide regulations)

Hamilton County Conservation Area

Hidden Springs State Forest

Horseshoe Lake State Park

Iroquois County Wildlife Management Area

Jim Edgar Panther Creek State Fish and Wildlife Area (water dog training only is open all year)

Kankakee River State Park

Kaskaskia River State Fish and Wildlife Area (water dog training only is open all year) (1)

Kickapoo State Park (1)

Lake Shelbyville - Eagle Creek State Park

Lake Shelbyville - Eagle Creek Wildlife Management Area

Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management Area

Marseilles Wildlife Area (closed Friday, Saturday, and Sunday during September, October and March)

Middle Fork Fish and Wildlife Management Area (1)

Peabody River King State Fish and Wildlife Area (West and South Subunits only; water dog training only is open all year)

Saline County Conservation Area

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Sam Parr State Park

Sand Ridge State Forest (during the Controlled Pheasant season, training is permitted on Mondays and Tuesdays) (1)

Sangchris Lake State Park (water dog training is open all year)

Shabbona Lake State Park (closed during archery deer season)

Silver Springs State Fish and Wildlife Area

Stephen A. Forbes State Fish and Wildlife Area

Ten Mile Creek Fish and Wildlife Area

Trail of Tears State Forest

Washington County Conservation Area

Weinberg-King State Park (1)

- e) Dog training at the following sites will be allowed throughout the year

Banner Marsh Fish and Wildlife Area (closed 7 days before through end of waterfowl season)

Des Plaines Conservation Area (closed during site's upland game season) (1) (2)

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26) (1)

Randolph County Conservation Area

Rock Cut State Park

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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1) Heading of the Part: Mobile Sources2) Code Citation: 35 Ill. Adm. Code 2403) Section Numbers: Proposed Action:

240.102 Amended  
 240.104 Amended  
 240.105 Amended  
 240.106 Amended  
 240.107 Amended  
 240.140 Amended  
 240.141 Amended

4) Statutory Authority: Section 13-109.2 of the Illinois Vehicle Emissions Code [625 ILCS 5/13-109.2 (1999)] and Sections 27, and 28.5 of the Environmental Protection Act (415 ILCS 5/27 and 28.5)

5) A complete description of the subjects and issues involved: A more complete description of the proposed amendments may be found in the Illinois Pollution Control Board's (Board) opinion and order of September 7, 2000 in R01-8, which is available from the Board as indicated in item 11 below. The Illinois General Assembly directed the Board to amend its smoke opacity standards and test procedures for diesel-powered heavy duty vehicles, commonly referred to as heavy-duty diesel powered vehicles (HDDVs). In Public Act 91-254, the General Assembly specifically requires the Board to amend its smoke opacity standards, as set forth in 35 Ill. Adm. Code 240, to be consistent with guidance of the United States Environmental Protection Agency (USEPA), with one exception. USEPA guidance calls for 1990 or earlier model HDDVs to meet a 5% peak smoke opacity standard. See USEPA "Guidance to States on Smoke Opacity Cutpoints to be Used with the SAE J1667 In-Use Smoke Test Procedure," (1999 USEPA Guidance) EPA420-F-99-024 at 1, February 25, 1999. The General Assembly, however, mandated that 1973 and earlier models of HDDVs must only meet a 70% smoke opacity standard until January 1, 2003. See 625 ILCS 5/13-109.1(b) (1999).

The General Assembly also requires the Board to amend its smoke opacity test procedures to be consistent with the Society of Automotive Engineers (SAE) recommended practice. The Board's proposed amendments to 35 Ill. Adm. Code 240 are consistent with these legislative directives.

The General Assembly mandated that the Board adopt regulations to revise the diesel smoke opacity standards and test procedures by February 28, 2001. See 625 ILCS 5/13-109.2 (1999). In accordance with their directive, the Board plans to hold two hearings on October 4 and 24, 2000 in Springfield and Chicago respectively. Since the General Assembly has set an eight month deadline for the Board to adopt such regulations, the Board, without commenting on the merits of the proposal, is submitting the

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proposed amendments for publication in the *Illinois Register*.6) Will these proposed amendments replace an emergency amendment currently in effect? No7) Does this rulemaking contain an automatic repeal date? No8) Do these proposed amendments contain incorporations by reference? Yes. See 35 Ill. Adm. Code 240.107.9) Are there any other proposed amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Section
240.102	Amended	24 Ill. Reg. 13820
240.104	Amended	24 Ill. Reg. 13820
240.105	Amended	24 Ill. Reg. 13820
240.106	Amended	24 Ill. Reg. 13820
240.107	Amended	24 Ill. Reg. 13820
240.124	Repealed	24 Ill. Reg. 13820
240.125	Repealed	24 Ill. Reg. 13820
240.162	Amended	24 Ill. Reg. 13820
240.163	Amended	24 Ill. Reg. 13820
240.165	Amended	24 Ill. Reg. 13820
240.191	Amended	24 Ill. Reg. 13820
TABLE A	Amended	24 Ill. Reg. 13820
TABLE B	Amended	24 Ill. Reg. 13820
TABLE C	Amended	24 Ill. Reg. 13820

10) Statement of Statewide Policy Objectives: In Public Act 91-254, the Illinois General Assembly mandated that the Board revise its regulations concerning diesel smoke opacity standards and test procedures (as set forth at 35 Ill. Adm. Code 240) to meet the objectives of greater state control of diesel emissions.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments concerning this rulemaking should reference R01-8 and be sent to:

Dorothy Gunn  
 Clerk of the Pollution Control Board  
 100 West Randolph Street  
 Suite 11-500  
 Chicago, Illinois 60601

Copies of the Board first-notice opinion and order are available on the Board's web site at: <http://www.ipcb.state.il.us>. Requests for copies may also be addressed to the Clerk, and should reference Docket R01-8.

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Questions regarding this proposal may be directed to Stacy Meyers, the Board hearing officer in this proceeding, at 312-814-7011. Oral comments may be made at public hearing. Given the short period of time in which the Board must complete this rulemaking, the Board anticipates only holding two hearings. The first hearing will be held on October 4, 2000 at 11:00 a.m. at 600 South Second Street, Room 403 in Springfield. The second hearing will be held on October 24, 2000 at 10:00 a.m. in the State of Illinois Building, located at 160 North LaSalle Street, Room N-505 in Chicago.

Additional details concerning the hearings are spelled out in the September 7, 2000 hearing officer order. Persons wishing to testify at the hearings may profile their testimony with the Board and serve the testimony on the hearing officer and all persons on the hearing officer order and service list. Persons may receive a copy of the service list by contacting the hearing officer. All testimony for the first hearing must be filed no later than September 27, 2000. Prefiled testimony for the second hearing must be filed by October 17, 2000.

## 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: The proposed amendments would affect those small businesses, small municipalities, and not-for-profit corporations that own or operate certain diesel-powered heavy duty vehicles subject to the diesel smoke opacity standards and test procedures, set forth at 35 Ill. Adm. Code 240.
- B) Reporting, bookkeeping or other procedures required for compliance: The proposed amendments would not directly impose any reporting or record keeping requirements on vehicle owners or operators.
- C) Types of professional skills necessary for compliance: The proposed amendments would not directly require professional skills for vehicle owners or operators to comply with the diesel smoke opacity standards and test procedures. However, vehicle owners and operators may wish to use skilled automotive mechanics to assist in complying with such standards and procedures.

## 13) Regulatory Agenda in which this rulemaking was summarized: July 2000

The full text of the Proposed Amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION  
 SUBTITLE B: AIR POLLUTION  
 CHAPTER I: POLLUTION CONTROL BOARD  
 SUBCHAPTER K: EMISSION STANDARDS AND LIMITATIONS  
 FOR MOBILE SOURCES

PART 240  
 MOBILE SOURCES

## SUBPART A: DEFINITIONS AND GENERAL PROVISIONS

Section	
240.101	Preamble
240.102	Definitions
240.103	Prohibitions
240.104	Inspection
240.105	Penalties
240.106	Determination of Violation
240.107	Incorporations by Reference

## SUBPART B: EMISSIONS

Section	
240.121	Smoke Emissions
240.122	Diesel Engine Emissions Standards for Locomotives
240.123	Liquid Petroleum Gas Fuel Systems
240.124	Vehicle Exhaust Emission Standards
240.125	Compliance Determination

## SUBPART C: HEAVY-DUTY-DIESEL SMOKE OPACITY STANDARDS AND TEST PROCEDURES FOR DIESEL-POWERED HEAVY DUTY VEHICLES

Section	
240.141	Applicability Heavy-Duty-Diesel-Vehicle Smoke Opacity Standards and Test Procedures for Diesel-Powered Heavy Duty Vehicles

## SUBPART D: STEADY-STATE IDLE MODE TEST EMISSION STANDARDS

Section	
240.151	Applicability
240.152	Steady-State Idle Mode Vehicle Exhaust Emission Standards
240.153	Compliance Determination

## SUBPART E: TRANSIENT LOADED MODE TEST EMISSION STANDARDS

Section	
240.161	Applicability

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240.162 Vehicle Exhaust Emission Start-Up Standards  
 240.163 Vehicle Exhaust Emission Final Standards  
 240.164 Vehicle Exhaust Emission Fast-pass Standards  
 240.165 Compliance Determination

## SUBPART F: EVAPORATIVE TEST STANDARDS

Section  
 240.171 Applicability  
 240.172 Evaporative System Integrity Test Standards  
 240.173 Evaporative System Purge Test Standards (Repealed)

## SUBPART G: ON-ROAD REMOTE SENSING TEST EMISSION STANDARDS

Section  
 240.181 Applicability  
 240.182 On-Road Remote Sensing Emission Standards  
 240.183 Compliance Determination

## SUBPART H: ON-BOARD DIAGNOSTIC TEST STANDARDS

Section  
 240.191 Applicability  
 240.192 On-Board Diagnostic Test Standards  
 240.193 Compliance Determination

## APPENDIX A Rule into Section Table

## APPENDIX B Section into Rule Table

TABLE A Vehicle Exhaust Emission Start-Up Standards

TABLE B Vehicle Exhaust Emission Final Standards

TABLE C Vehicle Exhaust Emission Fast-Pass Standards

AUTHORITY: Implementing Sections 9, 10 and 13 and authorized by Sections 27 and 28.5 of the Environmental Protection Act (415 ILCS 5/9, 10, 13, 27, and 28.5) and Section 13B-20 of the Vehicle Emissions Inspection Law of 1995 (625 ILCS 5/13B-20) (see Section 10 of P.A. 90-475, effective August 16, 1997); implementing Sections 13-109.2 of the Vehicle Emissions Code (625 ILCS 5/13-109.2) and authorized by Sections 27 and 28.5 of the Environmental Protection Act (415 ILCS 5/27 and 28.5).

SOURCE: Adopted as Chapter 2: Air Pollution, Part VII: Mobile Sources, filed and effective April 14, 1972; codified at 7 Ill. Reg. 13628, amended in R85-25, at 10 Ill. Reg. 11177, effective June 16, 1986; amended in R90-20 at 16 Ill. Reg. 6184, effective April 7, 1992; amended in R94-20 at 18 Ill. Reg. 18013, effective December 12, 1994; amended in R94-19 at 18 Ill. Reg. 18228, effective December 20, 1994; amended in R98-24 at 22 Ill. Reg. 13723, effective July 13, 1998; expedited correction at 22 Ill. Reg. 21120, effective July 13, 1998; amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

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~~BOARD NOTE:--This Part implements the Environmental Protection Act as of--July 17, 1994.~~

## SUBPART A: DEFINITIONS AND GENERAL PROVISIONS

## Section 240.102 Definitions

All terms which appear in this Part have the definitions specified in this Part and 35 Ill. Adm. Code 201 and 211. Where conflicting definitions occur, the definitions of this Section apply in this Part.

"Agency" means the Illinois Environmental Protection Agency.

"Diesel engine" means all types of internal-combustion engines in which air is compressed to a temperature sufficiently high to ignite fuel injected directly into the cylinder area.

"Diesel locomotive" means a diesel engine vehicle designed to move cars on a railway.

"Evaporative system integrity test" means a test of a vehicle's evaporative system. The test shall either consist of a leak check of a vehicle's fuel cap with a fuel cap pressure decay tester (fuel cap pressure decay test), a fuel cap leak flow tester (fuel cap leak flow test), or a visual functional check, as applicable.

"Fuel cap" means a device used to seal a vehicle's fuel inlet.

"Fuel cap leak flow test" means a test which may be performed in accordance with this Part on a vehicle's fuel cap using a fuel cap leak flow tester to determine whether the vehicle complies with the evaporative system emission standards of this Part.

"Fuel cap leak flow tester" means a device used to determine the leak flow integrity of a vehicle's fuel cap by comparing the measured leak flow of the fuel cap with an established fuel cap leak flow standard.

"Fuel cap pressure decay test" means the test performed in accordance with this Part on a vehicle's fuel cap using a fuel cap pressure decay tester to determine whether the vehicle complies with the evaporative system emission standards of this Part.

"Fuel cap pressure decay tester" means a device used to determine the pressure decay integrity of a vehicle's fuel cap by monitoring the pressure behind the fuel cap for a ten second period and comparing the measured pressure decay of the fuel cap to an established fuel cap pressure decay standard.

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"Fuel cap visual functional test" means the test performed in accordance with this Part on a vehicle's fuel cap using visual analysis to determine whether the vehicle complies with the evaporative system emission standards of this Part.

"Full power position" means the throttle position at which the engine fuel delivery is at maximum flow.

"Gross vehicle weight rating (GVWR)" means the value specified by the manufacturer as the maximum design loaded weight of a single vehicle.

"Heavy duty vehicle" means any motor vehicle rated at more than 8500 pounds GVWR or that has a vehicle curb weight of more than 6000 pounds or that has a basic vehicle frontal area in excess of 45 square feet.

"High idle" means a vehicle operating condition with engine disconnected from an external load (placed in either neutral or park) and operating at speed of  $2500 \pm 300$  RPM.

"Idle mode" means that portion of a vehicle emission test procedure conducted with the engine disconnected from an external load and operating at minimum throttle.

"Initial idle mode" means the first of up to two idle mode sampling periods during a steady-state idle mode test, during which exhaust emission measurements are made with the vehicle in "as-received" condition.

"Light duty truck 1" means a motor vehicle rated at 6000 pounds maximum GVWR or less and which has a vehicle frontal area of 45 square feet or less, and which is designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or is designed primarily for transportation of persons and has a capacity of more than 12 persons, or is available with special features enabling off-street or off-highway operation and use.

"Light duty truck 2" means a motor vehicle rated between 6001 and 8500 pounds maximum GVWR and which has a vehicle frontal area of 45 square feet or less, and which is designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or is designed primarily for transportation of persons and has a capacity of more than 12 persons, or is available with special features enabling off-street or off-highway operation and use.

"Light duty vehicle" means a passenger car or passenger car derivative capable of seating 12 passengers or fewer.

"Loaded mode" means that portion of a vehicle emission test procedure

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conducted with the vehicle positioned and operating under load on a chassis dynamometer.

"Loaded vehicle weight (LWV)" means the vehicle curb weight plus 300 pounds.

"Measured values" means five second running averages of exhaust emission concentrations sampled at a minimum rate of twice per second.

"Model year" means the year of manufacture of a motor vehicle based upon the annual production period as designated by the manufacturer and indicated on the title and registration of the vehicle. If the manufacturer does not designate a production period for the vehicle, then "model year" means the calendar year of manufacture.

"Motor vehicle" as used in this Part, shall have the same meaning as in Section 1-146 of the Illinois Vehicle Code [625 ILCS 5/1-146].

"Opacity" means the percentage of light transmitted from a source that is prevented from reaching a light detector.

"Preconditioning mode" means a period of steady-state loaded mode or high-idle operation conducted to ensure that the engine and emissions control system components are operating at normal operating temperatures, thus minimizing false failures caused by improper or insufficient warm-up.

"Second-chance idle mode" means the second of two idle mode sampling periods during a steady-state idle mode test, preceded by a preconditioning mode and utilized as a second chance to pass idle exhaust emission standards immediately following an initial idle mode failure.

"Smoke-meter or opacimeter" means an optical instrument designed to measure the opacity of smoke or diesel exhaust gases using the light extinction method.

"Snap-idle cycle" means rapidly depressing the accelerator pedal from normal idle to the full power position while the vehicle is in neutral, holding the pedal in the position for no longer than ten seconds or until the engine reaches maximum RPM, and fully retensing the pedal so that the engine decelerates to normal idle.

"Steady-state idle test" means a vehicle emission test procedure consisting of an initial idle mode measurement of exhaust emissions followed, if necessary, by a loaded or high idle preconditioning mode and a second-chance idle mode.



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"Transient loaded mode test" means a vehicle emissions test run on an inertial and power absorbing dynamometer using USEPA's IM240 driving cycle consisting of accelerations and decelerations simulating on-road driving conditions.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 240.104 Inspection**

- a) All motor vehicles subject to inspection pursuant to Section 13A-104 of the Vehicle Emissions Inspection Law [625 ILCS 5/13A-104] shall comply with the exhaust emission standards for carbon monoxide and hydrocarbons set forth at Section 240.124 of this Part.
- b) All motor vehicles subject to inspection pursuant to Section 13B-15 of the Vehicle Emissions Inspection Law [625 ILCS 5/13B-15] shall comply with applicable vehicle emission standards contained in Sections 240.152, 240.162, 240.163, 240.172, 240.182 and 240.192 of this Part.
- c) All diesel-powered vehicles subject to inspection pursuant to Section 13-109.1 of the Vehicle Emissions Inspection Law [625 ILCS 5/13-109.1] must comply with applicable smoke opacity standards set forth in Section 240.141(a) of this Part.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 240.105 Penalties**

- a) Any violations of Sections 240.103, 240.121, 240.122, and 240.123 of this Part shall be subject to the penalties as set forth in Section 42 of the Act [415 ILCS 5/42].
- b) Any violations of Sections 240.104(a) and 240.124 of this Part shall be subject to the penalties as set forth in Sections 13A-112 and 13A-113 of the Vehicle Emissions Inspection Law [625 ILCS 5/13A-112 and 13A-113].
- c) Any violations of Sections 240.104(b), 240.152, 240.162, 240.163, 240.172, 240.182, and 240.192 of this Part shall be subject to the penalties as set forth in Sections 13B-55 and 13B-60 of the Vehicle Emissions Inspection Law [625 ILCS 5/13B-55 and 13B-60].
- d) Any violation of Section 240.141(a) of this Part will be subject to penalties as set forth in Section 13-109.1 of the Vehicle Emissions Inspection Law [625 ILCS 5/13-109.1].

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 240.106 Determination of Violation**

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- a) Any violations of Sections 240.103, 240.121, 240.122, and 240.123 of this Part shall be determined by visual observation or by a test procedure employing an opacity measurement system as qualified by 35 Ill. Adm. Code 201. Subpart J.
- b) Any violations of Sections 240.124, 240.152, 240.162, 240.163, 240.172, 240.182, or 240.192 of this Part shall be determined in accordance with test procedures adopted by the Agency in 35 Ill. Adm. Code 276.

- c) Any violation of Section 240.141(a) of this Part will be determined in accordance with test procedures set forth in Section 240.141(b) of this Part.
- (Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 240.107 Incorporations by Reference**

The following materials are incorporated by reference and include no later editions or amendments:

- a) Society of Automotive Engineers (SAE), 400 Commonwealth Drive, Warrendale, PA 15096-0001, (www.sae.org): Report J1667 Snap-Acceleration Smoke Test Procedure for Heavy-Duty Diesel Powered Vehicles (February 1996) ~~255a-Diesel-Engine-Smoke-Measurement-(August 1978)~~.
- b) ~~International-Standard-Organization-(ISO)-Case-Postale-567-1211 Geneva-267-Switzerland-159-393-(Working-Draft-January-1991)-Also available-from-American-National-Standards-Institute-(ANSI)-11-West-42nd-Street-New-York-NY-10036~~.
- c) United States Environmental Protection Agency (USEPA), "High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications: IM240 and Functional Evaporative System Tests, Revised Technical Guidance," Report EPA-AA-RSPD-IM-96-1 (June 1996), 2565 Plymouth Road, Ann Arbor, MI 48105.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART C: ~~HEAVY-DUTY-DIESEL SMOKE OPACITY STANDARDS AND TEST PROCEDURES FOR DIESEL-POWERED HEAVY DUTY VEHICLES~~

**Section 240.140 Applicability**

This Subpart applies to all on-road, diesel-powered heavy duty vehicles with 8,000-pounds-or-greater-manufacture's-maximum-gross-vehicle-weight-rating (GVWR) operating in the State of Illinois.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## Section 240.141 Heavy-Duty-Diesel-Vehicle Smoke Opacity Standards and Test Procedures For Diesel-Powered Heavy Duty Vehicles

- a) Diesel-powered heavy duty vehicles described in Section 240.140 of this Subpart are subject to the following. The standard for heavy-duty diesel-vehicle smoke opacity standards is as follows:

1) Diesel-powered heavy duty vehicles that are model year 1991 or newer later-model-year heavy-duty-diesel-powered-vehicle-with-a-federal-peak-smoke-engine-certification-operating-on-the-highways-within-the-State-of-Illinois shall not exceed forty percent (40%) peak smoke opacity when tested in accordance with subsection subsections (b) of this Section and (c).

2) Except as set forth in subsection (a)(3) of this Section, for subsection-fifty-two-heavy-duty diesel-powered heavy duty vehicle vehicles that are model year 1990 or older operating on the-highways-within-the-State-of-Illinois shall not exceed fifty-five percent (55%) peak smoke opacity when tested in accordance with subsection subsections (b) of this Section and (c).

3) Until December 31, 2002, diesel-powered heavy duty vehicles that are model year 1973 or older must not exceed seventy percent (70%) peak smoke opacity when tested in accordance with subsection (b) of this Section. Beginning on January 1, 2003, diesel-powered heavy duty vehicles that are model year 1973 or older must not exceed fifty-five percent (55%) peak smoke opacity when tested in accordance with subsection (b) of this Section.

- b) Test procedures and equipment for measuring peak smoke opacity from diesel-powered heavy duty vehicles must be in accordance with the Society of Automotive Engineers' (SAE) Recommended Practice J1667, "Snap-Acceleration Smoke Test Procedure for Heavy-Duty Powered Vehicles," (February 1996), incorporated by reference in Section 240.107 of this Part.

BOARD NOTE: The Illinois Department of Transportation also addresses the use of diesel smoke test procedures in 92 Ill. Adm. Code 460. The smoke--opacity--measurement--shall--be--carried--out--using--a light-extinction-type--opacimeter--capable-of-measuring-and-recording opacity-continuously-during-the-snap-idle-testing-cycle--a--strip chart--recorder--or--an-equivalent-or-better-recording-device--shall-be used-in-concert-with-the-opacimeter-to-record-opacity-continuously including-peak-values--The opacimeter--shall-be-capable-of-providing opacity-readings--with--sufficient-resolution--to-obtain--0-5 second-averaged-values--The peak-0-5-second-averaged-value--shall-be used-for-showing-compliance-with-the-standard-in-subsection-(a). Where the-response-time-of-the-instrument-is--such-that-opacity-is-being measured-at-smaller-than-0-5-second-intervals-the-meter-shall-have the-capability-of-providing-or-allowing-the-calculation-of-0-5 second-averaged-values

1) The--opacimeter--shall-be-either-an-in-line-full-flow-opacimeter;

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end-of-line-or-plume-type-full-flow-opacimeter--or--a-sampling type-partial-flow-opacimeter--the opacimeter-and-recording devices--shall-be-calibrated--according--to--manufacturers-a specifications--Corrections-for-the-effect-of-exhaust-stack diameter-shall-apply--to-opacity-measurements-made-using-an end-of-line-full-flow-opacimeter-and

2) The opacimeter-and-recorder-shall-comply-with-specifications-in the-International-Standards-Organization-ISO-393-and-in-Society of-Automotive-Engineers-(SAE)-report-number-J2550--entitled "Beech-Engine-Smoke-Measurement", incorporated-by-reference-in Section-240-107

c) The-test-procedure-using-the-snap-idle-cycle--shall-occur-when-the engine-is-at-normal-operating-temperature--The test-shall-consist-of preparation-preconditioning-and-testing-phases

1) In-the-preparation-phase-the-vehicle-shall-be-placed-at-rest; the-transmission-shall-be-placed-in-neutral-and-the-vehicle wheels-shall-be-properly-restrained-to-prevent-any-rolling motion--In-the-event-of-a-roadside-test-it-shall-be-acceptable under-this-Section-for-the-driver-to-apply-the-brakes-during-the test

2) In--the-preconditioning-phase-the-vehicle-shall-be-put-through-a snap-idle-cycle-three-or-more-times-until-successive-measured smoke-opacity-readings-are-within-ten-percent-(10%)--of-each other--The opacimeter-shall-be-rechecked-prior-to--the preconditioning-sequence-to-determine-that-its-zero-and-span settings-are-adjusted-to-manufacturer's-specifications

3) In-the-testing-phase-the-vehicle-shall-be-put-through-the-snap idle-cycle-three-times

A) The--smoke--opacity--shall--be--measured--during--the preconditioning--and--testing--phases--with--an opacimeter meeting-the-requirements-of-subsection-(b)--and--shall--be recorded--continuously-on-the-recorder-during-each-snap-idle cycle--The-maximum-0-5-second-averaged-value-recorded-during each-snap-idle-cycle-shall-be-the-smoke-opacity-reading

B) The-average-of-the-three-smoke-opacity-readings-shall--be used-to-determine-compliance-with-the-opacity-standard-in subsection-(a)

d) Pursuant-to-any--petitioning-for-an-adjusted-standard-from 106-Subpart-G--any-person-eligible-to-establish-a-standard-for the-55% peak-smoke-opacity-standard-in-subsection-(a)(2)--for-BB0 1987-1990-Series-60-engines-shall-establish-its-justifications-by providing-the-following-information-at-a-minimum

1) The-specific-characteristics-common-only-to-all-the-1987-1990 Series-60-engines--that-result-in-noncompliance-with-the-55% Opacity standard

2) All-US EPA-certification-and-snap-idle-test-data

3) Economic-and-technical-data-related-to-the-logistical--or--other Perceived-difficulties-encountered-or-that-may-be-encountered-if

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- the-existing-1997-1998-Series--60-engine--software--were--to--be reprogrammed--so-as-to-come-into-compliance.  
 4) the-alternative-opacity-standard-proposed-and-supporting-data.  
 5) Supporting--data--showing--that the--requested-standard-will-not result-in-environmental--or-health--effects--substantially--and significantly--more--adverse--than--the-effects--considered-by-the Board-in-adopting-the-rule--of--general-applicability. (Section 28.1(c)(3)-of-the-Act)

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Nursing and Advanced Practice Nursing Act - Advanced Practice Nurse  
 2) Code Citation: 68 Ill. Adm. Code 1305  
 3) Section Numbers: Proposed Action:  
 1305.10 New Section  
 1305.15 New Section  
 1305.20 New Section  
 1305.25 New Section  
 1305.30 New Section  
 1305.35 New Section  
 1305.40 New Section  
 1305.45 New Section  
 1305.50 New Section  
 1305.60 New Section  
 1305.70 New Section  
 1305.75 New Section  
 1305.80 New Section  
 1305.85 New Section  
 1305.90 New Section  
 1305.95 New Section  
 EXHIBIT A New Section  
 EXHIBIT B New Section
- 4) Statutory Authority: Nursing and Advanced Practice Nursing Act [225 ILCS 65].
- 5) A Complete Description of the Subjects and Issues Involved: Public Act 90-742 retitled the Illinois Nursing Act and provided for the licensure of advanced practice nurses, including nurse midwives, nurse practitioners, nurse anesthetists, and clinical nurse specialists; these proposed rules implement those provisions. This is a new profession undergoing its initial licensure. In conjunction with PA 91-414, it granted limited prescriptive authority to advanced practice nurses. Under these statutory changes, advanced practice nurses may obtain mid-level practitioner licenses to prescribe controlled substances when authorized by a physician in accordance with this Act. PA 90-818 addressed problems associated with the issuance of mid-level practitioner controlled substances licenses expressed by the federal Drug Enforcement Administration. It also provides for written collaborative agreements with physicians and for medical direction.

- 6) Do these proposed Rules replace an emergency Rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed Rules contain incorporations by reference? No

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- 9) Are there any other proposed Rules pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no effect on local governments.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days after this issue of the *Illinois Register* to:

Department of Professional Regulation  
 Attention: Jean A. Courtney  
 320 West Washington 3rd Floor  
 Springfield IL 62786  
 217/785-0813 Fax #: 217/782-7645

## 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing advanced practice nursing services.
- B) Reporting, bookkeeping or other procedures required for compliance: Every advanced practice nursing license issued under the Act shall expire on May 31 of even numbered years. The first license renewal period will be May 31, 2002. Licensees are responsible for notifying the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to renew a license.
- C) Types of professional skills necessary for compliance: Advanced practice nursing skills are necessary for licensure.

- 13) Regulatory Agenda on which this rulemaking was summarized: January 2000
- The full text of the Proposed Rules begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS  
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

## PART 1305

NURSING AND ADVANCED PRACTICE NURSING ACT -  
 ADVANCED PRACTICE NURSE

Section	Definitions
1305.10	Application for Licensure Prior to July 1, 2001
1305.15	Application for Licensure Beginning July 1, 2001
1305.20	Fees
1305.25	Written Collaborative Agreements
1305.30	Medical Direction
1305.35	Prescriptive Authority
1305.40	Delivery of Anesthesia Services by a Certified Registered Nurse Anesthetist
1305.45	Anesthetist
1305.50	Practice Agreement for Certified Registered Nurse Anesthetist
1305.60	Renewals
1305.70	Advertising
1305.75	Mandatory Reporting of Impaired Advanced Practice Nurses by Health Care Institutions
1305.80	Fines
1305.85	Public Access to Records and Meetings
1305.90	Refusal to Issue a Nurse License based on Criminal History Record
1305.95	Granting Variances

## EXHIBIT A Sample Written Collaborative Agreement

## EXHIBIT B Sample Practice Agreement for Office Based Anesthesia Services

AUTHORITY: Implementing the Nursing and Advanced Practice Nursing Act [225 ILCS 65] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/15-2105(7)].

SOURCE: Adopted at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 1305.10 Definitions

"Act" means the Nursing and Advanced Practice Nursing Act [225 ILCS 65].

"APN Board" or "Board" means the Advanced Practice Nursing Board.

"Advanced practice nurse" or "APN" means a person who:



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*is licensed as a registered professional nurse under the Act; meets the requirements for licensure as an advanced practice nurse under Section 15-10 of the Act;*

*except as provided in Section 15-25 of the Act, has a written collaborative agreement with a collaborating physician in the diagnosis of illness and management of wellness and other conditions as appropriate to the level and area of his or her practice in accordance with Section 15-15 of the Act; and cares for patients:*

*by using advanced diagnostic skills, the results of diagnostic tests and procedures ordered by the advanced practice nurse, a physician assistant, a dentist, a podiatrist, or a physician, and professional judgment to initiate and coordinate the care of patients;*

*by ordering diagnostic tests, prescribing medications and drugs in accordance with Section 15-20 of the Act, and administering medications and drugs; and*

*by using medical, therapeutic, and corrective measures to treat illness and improve health status.*

*Categories include Certified Nurse Midwife (CNM), Certified Nurse Practitioner (CNP), Certified Registered Nurse Anesthetist (CRNA), or Certified Clinical Nurse Specialist (CNS). (Section 15-5 of the Act)*

*"Collaborating physician" means a physician who works with an advanced practice nurse and provides medical direction as documented in a written collaborative agreement required under Section 15-15 of the Act. (Section 15-5 of the Act)*

*"Physician" means a person licensed to practice medicine in all its branches under the Medical Practice Act of 1987. (Section 15-5 of the Act)*

## Section 1305.15 Application for Licensure Prior to July 1, 2001

- a) An applicant for licensure as an advanced practice nurse shall file an application, prior to July 1, 2001, on forms provided by the Department. The application shall include:
  - 1) Current Illinois registered nurse license number.
  - 2) Proof of current national certification, which includes completion of an examination, from one of the following:
    - A) Nurse Midwife certification from:

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- i) the American College of Nurse Midwives (ACNM); or
- ii) American College of Nurse Midwives Certification Council (ACC);
- B) Nurse Practitioner certification from:
  - i) American Academy of Nurse Practitioners Certification Program as a Nurse Practitioner;
  - ii) American Nurses Credentialing Center as a Nurse Practitioner;
  - iii) The National Certification Board of Pediatric Nurse Practitioners & Nurses as a Nurse Practitioner;
  - iv) The National Certification Corporation for the Obstetric, Gynecologic and Neonatal Nursing Specialties as a Nurse Practitioner; or
  - v) The Certification Board for Urologic Nurses and Associates as a Urologic Nurse Practitioner;
- C) Registered Nurse Anesthetist certification from:
  - i) Council on Certification of the American Association of Nurse Anesthetists; or
  - ii) Council on Recertification of the American Association of Nurse Anesthetists;
- D) Clinical Nurse Specialist certification from:
  - i) American Nurses Credentialing Center (ANCC) as a Clinical Nurse Specialist;
  - ii) American Association of Critical Care Nurses as a Clinical Nurse Specialist;
  - iii) Rehabilitating Nursing Certification Board as a Certified Rehabilitation Registered Nurse-Advanced;
  - iv) Oncology Nursing Certification Corporation as an Advanced Oncology Certified Nurse (ACON); or
  - v) Certification Board for Urologic Nurses and Associates as a Urologic Clinical Nurse Specialist.
- E) The Board, in addition to the certifications listed in subsection (a)(2)(D), may review and make a recommendation to the Department to accept a certification for a clinical nurse specialist if the certifying body meets the following requirements:
  - i) is national in the scope of credentialing;
  - ii) has no requirement for an applicant to be a member of any organization;
  - iii) has an examination that represents a specialty practice category;
  - iv) has an examination that evaluates knowledge, skills and abilities essential for the delivery of safe and effective specialty nursing care;
  - v) has an examination whose content and distribution are specified in a test plan;
  - vi) has examination items reviewed for content validity, cultural sensitivity and correct scoring, using an

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- established mechanism, both before use and periodically; examination evaluated for psychometric performance;
- vii) has an examination established using acceptable psychometric methods and is reevaluated periodically;
  - ix) has examination security maintained through established procedures;
  - x) issues a certification based upon passing the examination;
  - xi) has mechanisms in place for communication to boards of nursing for timely verification of an individual's certification status, changes in certification status and changes in the certification program, including qualifications, test plan and scope of practice; and
  - xii) has an evaluation process to provide quality assurance in its certification program.

## 3) Education

- A) Proof of successful completion of a post-basic advanced practice formal education program in the area of his or her nursing specialty; or
  - B) Proof of successful completion of a master's program appropriate for certification as a Nurse Midwife, Nurse Practitioner, Clinical Nurse Specialist or Nurse Anesthetist.
- 4) A complete work history since completion of an advanced practice nursing program.
- 5) Proof on forms provided by the Department, from all states in which an applicant was licensed and is currently licensed as an advanced practice nurse, if applicable, stating:
- A) The time during which the applicant was licensed in that state, including the date of the original issuance of the license; and
  - B) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- 6) Verification of fingerprint processing from the Illinois Department of State Police, or its designated agent. Applicants shall contact the Illinois Department of State Police, or its designated agent, for fingerprint processing. Out-of-state residents unable to utilize the State Police fingerprint process may submit to the Department one set of fingerprint cards issued by the Illinois Department of State Police and one set of fingerprint cards issued by the Federal Bureau of Investigation, accompanied by the specified processing fee pursuant to Section 1305.25. Fingerprints shall be taken within 60 days prior to application.
- 7) The fee required in Section 1305.25 of this Part.
- b) A nurse practitioner applying for licensure as an advanced practice

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nurse pursuant to Section 15-10(c) of the Act shall file an application, before July 1, 2001, on forms provided by the Department. The application shall include:

- 1) Current Illinois registered nurse license number;
  - 2) Education
    - A) Proof of successful completion of a post-basic advanced practice formal education program in the area of his or her nursing specialty; or
    - B) Proof of successful completion of a master's or higher program appropriate for certification as a nurse practitioner;
  - 3) Proof of practice for at least 10 years as a nurse practitioner;
  - 4) A complete work history since completion of an advanced practice nursing education program;
  - 5) Proof on forms provided by the Department, from all states in which an applicant was licensed and is currently licensed as an advanced practice nurse, if applicable, stating:
    - A) The time during which the applicant was licensed in that state, including the date of the original issuance of the license; and
    - B) Whether the file on the applicant contains any record of disciplinary actions taken or pending;
  - 6) Verification of fingerprint processing from the Illinois Department of State Police, or its designated agent. Applicants shall contact the Illinois Department of State Police, or its designated agent, for fingerprint processing. Out-of-state residents unable to utilize the State Police fingerprint process may submit to the Department one set of fingerprint cards issued by the Illinois Department of State Police and one set of fingerprint cards issued by the Federal Bureau of Investigation, accompanied by the specified processing fee pursuant to Section 1305.25. Fingerprints shall be taken within 60 days prior to application;
  - 7) The fee required in Section 1305.25 of this Part.
- c) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given, or a need for clarification, the applicant seeking licensure shall be requested to:
- 1) Provide information as may be necessary; and/or
  - 2) Appear for an interview before the Board to explain the relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.
- d) An advanced practice nurse license will be issued when the applicant meets the requirements set forth in this Section and the Act or the applicant will be notified for the reasons for denial.
- e) "Post-basic advanced practice formal education program" means an integrated course of study that includes concurrent advanced clinical

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nursing practice and theory.

### Section 1305.20 Application for Licensure Beginning July 1, 2001

- a) An applicant for licensure as an advanced practice nurse shall file an application on forms provided by the Department. The application shall include:

- 1) Current Illinois registered nurse license number.
- 2) Proof of current national certification, which includes completion of an examination from one of the following:

- A) Nurse Midwife certification from:
  - i) the American College of Nurse Midwives (ACNM); or
  - ii) the American College of Nurse Midwives Certification Council.

B) Nurse Practitioner certification from:

- i) American Academy of Nurse Practitioners Certification Program as a Nurse Practitioner;
- ii) American Nurses Credentialing Center as a Nurse Practitioner;

- iii) The National Certification Board of Pediatric Nurse Practitioners & Nurses as a Nurse Practitioner;

- iv) The National Certification Corporation for the Obstetric, Gynecologic and Neonatal Nursing Specialties as a Nurse Practitioner; or

- v) The Certification Board for Urologic Nurses and Associates as a Urologic Nurse Practitioner.

C) Registered Nurse Anesthetist certification from:

- i) Council on Certification of the American Association of Nurse Anesthetists; or
- ii) Council on Recertification of the American Association of Nurse Anesthetists.

D) Clinical Nurse Specialist certification from:

- i) American Nurses Credentialing Center (ANCC) as a Clinical Nurse Specialist;
- ii) American Association of Critical Care Nurses as a Clinical Nurse Specialist;
- iii) Rehabilitation Nursing Certification Board as a Certified Rehabilitation Registered Nurse-Advanced;
- iv) Oncology Nursing Certification Corporation as an Advanced Oncology Nurse (AOCN); or
- v) Certification Board for Urologic Nurses and Associates as Urologic Clinical Nurse Specialist.

- 3) Proof of successful completion of a master's program or higher appropriate for certification as a Nurse Midwife, Nurse Practitioner, Clinical Nurse Specialist or Nurse Anesthetist.

- 4) A complete work history since completion of an advanced practice nursing program.

- 5) Proof on forms provided by the Department, from all states in

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which an applicant was licensed and is currently licensed as an advanced practice nurse, if applicable, stating:

- A) The time during which the applicant was licensed in that state, including the date of the original issuance of the license; and

- B) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

- 6) Verification of fingerprint processing from the Illinois Department of State Police, or its designated agent. Applicants shall contact the Illinois Department of State Police, or its designated agent, for fingerprint processing. Out-of-state residents unable to utilize the State Police fingerprint process may submit to the Department one set of fingerprint cards issued by the Illinois Department of State Police and one set of fingerprint cards issued by the Federal Bureau of Investigation, accompanied by the specified processing fee pursuant to Section 1305.25. Fingerprints shall be taken within 60 days prior to application.
- 7) The fee required in Section 1305.25 of this part.

- b) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given, or a need for clarification, the applicant seeking licensure shall be requested to:
  - 1) Provide information as may be necessary; and/or

- 2) Appear for an interview before the Board to explain the relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

- c) An advanced practice nurse license may be issued when the applicant meets the requirements set forth in this Section.

### Section 1305.25 Fees

The following fees shall be paid to the Department and are not refundable:

- a) Application Fees. The fee for application for a license as an advanced practice nurse is \$125.
- b) Renewal Fees. The fee for the renewal of a license shall be calculated at the rate of \$40 per year.
- c) General Fees.

- 1) The fee for the restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees.
- 2) The fee for the issuance of a duplicate license, for the issuance of a replacement license for a license that has been lost or destroyed, or for the issuance of a license with a change of name or address other than during the renewal period, is \$20. No fee is required for name and address changes on Department records when no duplicate license is issued.

- 3) The fee for a certification of a licensee's record for any

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purpose is \$20.

- 4) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
- 5) The fee for a roster of persons licensed as advanced practice nurses in this State shall be the actual cost of producing the roster.
- 6) The fee for processing a fingerprint card by the State Police is the cost of processing, which shall be made payable to the State Police Services Fund and shall be remitted to the State Police for deposit into the Fund.

**Section 1305.30 Written Collaborative Agreements**

- a) A written collaborative agreement shall describe the working relationship of the advanced practice nurse with the collaborating physician and shall authorize the categories of care, treatment, or procedures to be performed by the advanced practice nurse. (Section 15-15(b) of the Act)
- b) The agreement shall be defined to promote the exercise of professional judgment by the advanced practice nurse commensurate with his or her education and experience. The services that the collaborating physician generally provides to his or her patients in the normal course of his or her clinical medical practice. The agreement need not describe the exact steps that an advanced practice nurse must take with respect to each specific condition, disease, or symptom, but must specify which authorized procedures require a physician's presence as the procedures are being performed. The collaborative relationship under an agreement shall not be construed to require the personal presence of a physician at all times at the place where services are rendered. Methods of communication shall be available for consultation with the collaborating physician in person or by telecommunications in accordance with established written guidelines as set forth in the written agreement. (Section 15-15(b) of the Act)
- c) A copy of the signed, written collaborative agreement must be available to the Department upon request from both the advanced practice nurse and the collaborating physician and shall be annually updated. An advanced practice nurse shall inform each collaborating physician of all collaborative agreements he or she has signed and provide a copy of these to any collaborating physician, upon request. (Section 15-15(d) of the Act)
- d) Pursuant to Section 15-25 of the Act, a certified registered nurse anesthetist is not required to possess prescriptive authority or a written collaborative agreement to provide anesthesia services ordered by a licensed physician, dentist or podiatrist. However, a certified registered nurse anesthetist may be delegated limited prescriptive authority under Section 15-20 of the Act in a written collaborative agreement.

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**Section 1305.35 Medical Direction**

- a) Physician medical direction shall be adequate with respect to collaboration with Certified Nurse Practitioners, Certified Nurse Midwives, and Clinical Nurse Specialists if a collaborating physician:
  - 1) participates in the joint formulation and joint approval of orders or guidelines with the advanced practice nurse and periodically reviews those orders and the services provided patients under those orders in accordance with accepted standards of medical practice and advanced practice nursing practice;
  - 2) is on site at least once a month to provide medical direction and consultation. On site is defined in the collaborative agreement; and
  - 3) is available through telecommunications for consultation on medical problems, complications, or emergencies or patient referral. (225 ILCS 60/54.5(b))
- b) Medical direction for a certified registered nurse anesthetist shall be in accordance with Section 54.5(b-5) of the Medical Practice Act (225 ILCS 60/54.5(b-5)).
- c) In the absence of the collaborating physician, another physician shall be available for consultation.

**Section 1305.40 Prescriptive Authority**

- a) A collaborating physician who delegates limited prescriptive authority to an advanced practice nurse shall include that delegation in the written collaborative agreement. The prescriptive authority may include prescription and dispensing of legend drugs and legend controlled substances categorized as Schedule III, IV, or V controlled substances, as defined in the Illinois Controlled Substances Act (720 ILCS 570). The authority to prescribe Schedule II controlled substances may not be delegated by the collaborating physician.
- b) An APN who has been given controlled substances prescriptive authority shall be required to obtain an Illinois mid-level practitioner controlled substance license in accordance with 77 Ill. Adm. Code 3100. The physician shall file a notice of delegation of prescriptive authority with the Department. The delegation of authority form shall be submitted to the Department prior to the issuance of a controlled substance license.
- c) The APN may only prescribe and dispense within the scope of practice of the collaborating physician.
- d) All prescriptions written and signed by an advanced practice nurse shall indicate the name of the collaborating physician. The collaborating physician's signature is not required. The advanced practice nurse shall sign his/her own name.
- e) An APN may receive and dispense samples per the collaborative agreement.
- f) Medication orders shall be reviewed periodically by the collaborating



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physician.

### Section 1305.45 Delivery of Anesthesia Services by a Certified Registered Nurse Anesthetist

- a) A licensed certified registered nurse anesthetist may provide anesthesia services pursuant to the order of a licensed physician, licensed dentist, or licensed podiatrist in a licensed hospital, a licensed ambulatory surgical treatment center, or the office of a licensed physician, the office of a licensed dentist, or the office of a licensed podiatrist. For anesthesia services, an anesthesiologist, physician, dentist, or podiatrist shall participate through discussion and agreement with the anesthesia plan and shall remain physically present and be available on the premises during the delivery of anesthesia services for diagnosis, consultation, and treatment of emergency medical conditions, unless hospital policy adopted pursuant to Section 10.7(3)(B) of the Hospital Licensing Act (210 ILCS 85/10.7(3)(B)) or ambulatory surgical treatment center policy adopted pursuant to Section 6.5(3)(B) of the Ambulatory Surgical Treatment Center Act (210 ILCS 5/6.5(3)(B)) provides otherwise. [Section 15-25(a) of the Act]
- b) A certified registered nurse anesthetist who provides anesthesia services in a hospital shall do so in accordance with Section 10.7 of the Hospital Licensing Act and, in an ambulatory surgical treatment center, in accordance with Section 6.5 of the Ambulatory Surgical Treatment Center Act. [Section 15-25(b) of the Act]
- c) A certified registered nurse anesthetist is not required to possess prescriptive authority or a written collaborative agreement meeting the requirements of Section 15-15 of the Act to provide anesthesia services ordered by a licensed physician, dentist, or podiatrist. Certified registered nurse anesthetists are authorized to select, order, and administer drugs and apply the appropriate medical devices in the provision of anesthesia services under the anesthesia plan agreed with by the anesthesiologist or the physician in accordance with hospital alternative policy or the medical staff consulting committee policies of a licensed ambulatory surgical treatment center. In a physician's office, dentist's office, or podiatrist's office, the anesthesiologist, operating physician, operating dentist, or operating podiatrist shall agree with the anesthesia plan, in accordance with the written practice agreement. [Section 15-25(d) of the Act]
- d) A certified registered nurse anesthetist may be delegated limited prescriptive authority under Section 15-20 of the Act in a written collaborative agreement meeting the requirements of Section 15-15 of the Act. [Section 15-25(e) of the Act]
- e) In a dentist's office, the certified registered nurse anesthetist may only provide those services the dentist is authorized to provide pursuant to the Illinois Dental Practice Act (225 ILCS 25) and rules (68 Ill. Adm. Code 1220). Licensed dentists are required to hold

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permits to administer anesthesia pursuant to 68 Ill. Adm. Code 1220: Subpart D. In a podiatrist's office, the certified registered nurse anesthetist may only provide those services the podiatrist is authorized to provide pursuant to the Podiatric Medical Practice Act of 1987 (225 ILCS 100) and rules (68 Ill. Adm. Code 1360). Podiatrists may not administer general anesthetics.

### Section 1305.50 Practice Agreement for Certified Registered Nurse Anesthetist

A certified registered nurse anesthetist who provides anesthesia services in a physician office, dental office, or podiatric office shall enter into a written practice agreement with an anesthesiologist or the physician licensed to practice medicine in all its branches, the dentist, or the podiatrist performing the procedure. The agreement shall describe the working relationship of the certified registered nurse anesthetist and anesthesiologist, physician, dentist, or podiatrist and shall authorize the categories of care, treatment, or procedures to be performed by the certified registered nurse anesthetist. In a dentist's office, the certified registered nurse anesthetist may only provide those services the dentist is authorized to provide pursuant to the Illinois Dental Practice Act and rules (68 Ill. Adm. Code 1220). In a podiatrist's office, the certified registered nurse anesthetist may only provide those services the podiatrist is authorized to provide pursuant to the Podiatric Medical Practice Act of 1987 and rules (68 Ill. Adm. Code 1360). For anesthesia services, an anesthesiologist, physician, dentist, or podiatrist shall participate through discussion of and agreement with the anesthesia plan and shall remain physically present and be available on the premises for diagnosis, consultation and treatment of emergency medical conditions. [Section 15-25(c) of the Act]

### Section 1305.60 Renewals

- a) Every license issued under the Act shall expire on May 31 of each even numbered year. The first renewal of an advanced practice nurse license is 2002. The holder of a license may renew such license during the month preceding the expiration date by paying the required fee. A licensee's registered nurse license shall be renewed in order to renew the advanced practice nurse license.
- b) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee.
- c) Practice on a license that has expired is the unlicensed practice of advanced practice nursing and shall be grounds for discipline pursuant to Section 15-50 of the Act.

### Section 1305.70 Advertising

- a) Advertising shall contain all information necessary to make the

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communication informative and not misleading. Advertising shall identify the type of license held by the licensee whose services are being promoted. The form of advertising shall be designed to communicate the information to the public in a direct, dignified and readily comprehensible manner.

- b) If an advertisement is communicated to the public over television or radio, it shall be prerecorded and approved for broadcast by the advanced practice nurse and a recording of the actual transmission, including videotape, shall be retained for at least 3 years by the advanced practice nurse.

- c) Advertising shall otherwise comply with Section 15-40 of the Act.

### Section 1305.75 Mandatory Reporting of Impaired Advanced Practice Nurses by Health Care Institutions

- a) Section 15-55 of the Act requires that the chief administrator or executive officer of any health care institution licensed by the Department of Public Health report to the APN Board concerning impaired advanced practice nurses. All instances in which a person licensed under the Act is impaired by reason of age, drug or alcohol abuse, or physical or mental impairment, is under supervision, and where appropriate, is in a program of rehabilitation, must be reported to the APN Board. The reports must contain sufficient current information to enable the APN Board to evaluate the impairment and determine the appropriateness of the supervision or the program of rehabilitation. If the Board finds the supervision or treatment plan submitted by the institution is not sufficient to meet the needs of the individual, the Board may direct the facility to work with the Department to revise the plan or treatment to meet the specific objections.

- b) Contents of Reports. Reports of impaired persons shall be submitted in writing on forms provided by the Department that shall include but not be limited to the following information:

- 1) The name, address, telephone number and title of the person making the report;
- 2) The name, address, telephone number and type of health care institution where the maker of the report is employed;
- 3) The name, address, telephone number and professional license number of the person who is the subject of the report;
- 4) A means of identification used by the institution of any patient or patients whose treatment is a subject of the report, provided, however, no medical records may be revealed without the written consent of the patient or patients; and further provide that the APN Board may require disclosure of the name, address, and telephone number of any patient if it deems the information necessary to an evaluation of the impairment or a determination of the appropriateness of the supervision or program of rehabilitation;

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- 5) The nature of the impairment and brief description of the facts that gave rise to the issuance of the report, including the dates of any occurrences deemed to necessitate the filing of the report;

- 6) The terms and conditions of the supervision under which the subject of the report is conducting his activities or practice, including the date supervision commenced; the term of the supervision; the name, address and telephone number of the person in charge of the subject's supervision; and a written consent executed by the subject of the report authorizing the APN Board, or designated representative of the APN Board, to contact the person in charge of the subject's supervision for information, including written documentation, in order to evaluate the progress of the subject's supervision pursuant to subsection (g)(2);

- 7) If the subject of the report is in a program of rehabilitation, the name, address, and telephone number of the program and the name and position of any individual in charge of the program; and
- 8) Any other information deemed by the reporting person to be of assistance to the APN Board in evaluating the report, including, but not limited to, the following items: drug screens being used and their status; relapses and actions taken; attendance at work; observations of recovery status and level of cooperation in recovery; other psychopathology or known related physical and mental illnesses; involvement of the family and others in treatment or supervision; and a copy of the aftercare agreement.

- c) Reports of impaired persons shall be submitted to the APN Board in a timely manner. The initial report shall be submitted on forms provided by the Department within 60 days after it is determined that a report is necessary under the Act and this Section. Periodic reports (which evidence written documentation of the progress of supervision or rehabilitation) shall be submitted to the APN Board every 6 months, commencing with the time of the filing of the initial report. A copy of each report shall be sent by the person making the report to the impaired person.

- d) Confidentiality

- 1) The contents of any report shall be strictly confidential, except as otherwise provided in this subsection (d), and exempt from public disclosure, but may be reviewed by:

A) Members of the APN Board or their designees;

B) The APN Board's designated attorneys;

- C) Administrative personnel assigned to open mail containing reports, to process and distribute the reports to authorized persons, and to communicate with senders of reports; and
- D) The person who is the subject of the report, his attorney or his authorized representative (as evidenced by a written authorization signed by the person who is the subject of the report).

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- 2) The reports may also be handled or processed by other designated persons in a limited manner necessary to implement reports required under this Act by computer, word processing equipment or other mechanical means. The data record shall be limited to the name and address of the originator of the report, the date the initial report was received, the date of the most recent report and the professional license number of the subject of the report.
- 3) The contents of the confidential reports relating to impaired persons shall not be used or made available in any other administrative proceedings before the Department of Professional Regulation or any other department; however, violations of the treatment or supervision plan will result in a review of the person's status by the Board or its designees for possible discipline or revision in the treatment or supervision plan. Reports shall not be disclosed, made available or subject to subpoena or discovery proceedings in any civil or criminal court proceedings.
- e) Upon a determination by the Board that a report or reports on an impaired person no longer require review and consideration, the Board shall notify the maker of the reports to cease sending the reports and the Board and Department records shall be purged of information contained in the reports. Such determinations shall be based on, but not limited to: the type of rehabilitation program, length of supervision, occurrence of any relapses and present status of license.
- f) Whenever any chief administrative or chief executive officer of any health care institution who makes a report or provides other information to the Board, or assists the Board concerning an impaired person, acts in good faith and not in a willful and wanton manner, that chief administrative or chief executive officer, and the health care institution employing him, shall not, as a result of such actions, be subject to criminal prosecution or civil damages (Section 15-55(C) of the Act).

## g) Definitions

- 1) "Impaired" means the inability to practice advanced practice nursing with reasonable skill and safety due to physical or mental disabilities, as evidenced by a written evaluation or clinical evidence that reveals a deterioration of the advanced practice nurse's ability to deliver competent care, due to problems related to aging, loss of motor skill, abuse of drugs or alcohol, or mental illness.

- 2) "Under supervision" means that the performance of the impaired person's clinical privileges and status of the person's impairment is being observed and monitored under the authority of a written directive issued in accordance with a health care institution's or medical staff's bylaws or rules and regulations.

## Section 1305.80 Fines

Fines, not to exceed \$5000 for each violation, shall be primarily used in cases not involving patient care. In addition, fines may be imposed in conjunction with other forms of disciplinary actions, but they shall not be the exclusive disposition of any disciplinary action arising out of conduct resulting in death or injury of a patient.

## Section 1305.85 Public Access to Records and Meetings

- a) All investigative procedures, information arising out of investigation of complaints, and informal conferences shall be confidential. All other proceedings and documents beginning with the filing of a formal complaint shall be open to the public.
- b) All meetings of the APN Board shall also be open to the public in accordance with the Open Meetings Act.

## Section 1305.90 Refusal to Issue a Nurse License based on Criminal History Record

- a) For purposes of this Part, criminal history record information is defined as information collected by criminal justice agencies (defined in 20 ILCS 2630) on individuals consisting of identifiable descriptions and notations of arrests, detention, indictments, information, or other formal criminal charges, and any disposition arising therefrom, sentencing, correctional supervision and release. The individual records must contain both information sufficient to identify the subject of the record and notations regarding any formal criminal justice transaction involving the identified individual.
- b) In determining whether an applicant for a nurse license is unfit for licensure because of criminal history record information, the Department shall consider the following standards:

- 1) Whether the crime was one of armed violence [720 ILCS 5/Art. 33a] or moral turpitude. Moral turpitude consists of:

A) Crimes involving dishonesty, false statement or some other element of deceit, untruthfulness or falsification (including, but not limited to, perjury, inducement of perjury, false statement, criminal fraud, embezzlement, false pretense, forgery, counterfeiting and theft).

B) Drug offenses, including, but not limited to, violations of the Illinois Controlled Substances Act [720 ILCS 570] and Federal Drug Enforcement Laws, 21 USC 801 et seq.

C) Sex offenses, including, but not limited to, all crimes listed in Article 11 of the Criminal Code of 1961 [720 ILCS 5/Art. XI].

- 2) Whether the crime is related to the nursing profession.
- 3) Whether more than 10 years have elapsed since the date of completion of imposed sentence.
- 4) Whether the conviction was from a city ordinance violation or a conviction for which a jail sentence was not imposed.

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- 5) Whether the applicant has been sufficiently rehabilitated to warrant the public trust. The Department shall consider, but not be bound by, the following in considering whether an applicant has been presumed to be rehabilitated:

- A) Completion of probation;
  - B) Completion of parole supervision; or
  - C) If no parole was granted, a period of 10 years has elapsed after final discharge or release from any term of imprisonment without any subsequent conviction.
- c) If any one of the following factors exists, this outweighs the presumption of rehabilitation as defined in subsection (c) above:
- 1) Lack of compliance with terms of punishment (i.e., failure to pay fines or make restitution, violation of the terms of probation or parole);
  - 2) Unwillingness to undergo, or lack of cooperation in, medical or psychiatric treatment/counseling;
  - 3) Falsification of an application for licensure with the Department;
  - 4) Failure to furnish to the Department additional information or failure to appear for an interview or meeting with the Department in relation to the applicant's application for licensure.
- d) The following criminal history records shall not be considered in connection with an application for licensure:
- 1) Juvenile adjudications;
  - 2) Records of arrest not followed by a conviction;
  - 3) Convictions overturned by a higher court;
  - 4) Convictions that have been the subject of a pardon or expungement.
- e) Notification of denial, revocation, suspension, or intent to refuse to renew; request for hearing

- 1) If the determination is made that the applicant or licensee is unfit for licensure, the Department shall send notice of denial, revocation, suspension, or intent to refuse to renew by certified mail, return receipt requested, to the applicant or licensee at the address stated on the applicant's or licensee's last known address or by personal delivery to the applicant or licensee. All such notices will include a statement of the reason for the Department's action.

- 2) An applicant or licensee may request a hearing to contest the Department's action pursuant to 68 Ill. Adm. Code 1110. The request shall be in writing, and must be received by the Department not later than 20 days after the date the Department mailed or personally delivered the notice of its action to the applicant or licensee.

- 3) After receipt of a request for hearing and prior to any such hearing, the Department shall schedule an informal conference with the applicant or licensee in an attempt to resolve issues in controversy consensually. The Department shall notify the

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applicant or licensee of the informal conference at least 20 days prior to the hearing. Failure by the applicant or licensee to attend the informal conference shall act as a withdrawal of the applicant's or licensee's request for a hearing.

## Section 1305.95 Granting Variances

- a) The Director may grant variances from this Part in individual cases where he finds that:

- 1) the provision from which the variance is granted is not statutorily mandated;
  - 2) no party will be injured by the granting of the variance; and
  - 3) the rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.
- b) The Director shall notify the APN Board of the granting of a variance, and the reasons for the variance, at the next meeting of the APN Board.



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## Section 1305, EXHIBIT A Sample Written Collaborative Agreement

ADVANCED PRACTICE NURSING  
WRITTEN COLLABORATIVE AGREEMENT

## A. ADVANCED PRACTICE NURSE INFORMATION

1. NAME: \_\_\_\_\_
2. ILLINOIS RN LICENSE NUMBER: \_\_\_\_\_  
ILLINOIS APN LICENSE NUMBER: \_\_\_\_\_  
ILLINOIS MID-LEVEL PRACTITIONER LICENSE NUMBER: \_\_\_\_\_  
FEDERAL MID-LEVEL PRACTITIONER DEA NUMBER: \_\_\_\_\_
3. AREAS OF CERTIFICATION: \_\_\_\_\_
4. CERTIFYING ORGANIZATION: \_\_\_\_\_
5. CERTIFICATION EXPIRATION DATE: \_\_\_\_\_
6. CERTIFICATION NUMBER: \_\_\_\_\_
7. PRACTICE SITES: See Attachment A.
8. CONTACT NUMBER: \_\_\_\_\_  
FACSIMILE NUMBER: \_\_\_\_\_  
EMERGENCY CONTACT NUMBERS: \_\_\_\_\_  
(e.g., pager, answering service)
9. ATTACHMENTS:  
Copy of Certification/Recertification  
Copies of RN & APN License  
Copy of Certificate of Insurance  
Copy of Mid-Level Practitioner License

## B. COLLABORATING PHYSICIAN INFORMATION

1. NAME: \_\_\_\_\_
2. ILLINOIS LICENSE NUMBER: \_\_\_\_\_
3. PRACTICE AREA OR CONCENTRATION: \_\_\_\_\_
4. BOARD CERTIFICATION (if any): \_\_\_\_\_
5. CERTIFYING ORGANIZATION: \_\_\_\_\_

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## 6. PRACTICE SITES: See Attachment A.

7. CONTACT NUMBER: \_\_\_\_\_  
FACSIMILE NUMBER: \_\_\_\_\_  
EMERGENCY CONTACT NUMBERS: \_\_\_\_\_  
(e.g., pager, answering service)

## C. ADVANCED PRACTICE NURSE COLLABORATING PHYSICIAN WORKING RELATIONSHIP

## 1. SCOPE OF PRACTICE

Under this agreement, the advanced practice nurse will work with the collaborating physician in an active practice to deliver health care services to \_\_\_\_\_. This includes, but is not limited to, the diagnosis, treatment and management of acute and chronic health problems; ordering, interpreting and performing laboratory and radiology tests; prescribing medications, including controlled substances, to the extent delegated; receiving and dispensing stock and sample medications; performing other therapeutic or corrective measures as indicated.

If applicable, the advanced practice nurse shall maintain allied health personnel privileges at the following hospitals for the designated services:  
Hospitals: \_\_\_\_\_

This written collaborative agreement shall be reviewed and updated annually. A copy of this written collaborative agreement shall remain on file at all sites where the advanced practice nurse renders service and shall be provided to the Illinois Department of Professional Regulation upon request. Any joint orders or guidelines are set forth or referenced in Attachment B.

## 2. MEDICAL DIRECTION

Physician medical direction shall be adequate with respect to collaboration with Certified Nurse Practitioners, Certified Nurse Midwives, and Certified Clinical Nurse Specialists if a collaborating physician:

- (A) participates in the joint formulation and joint approval of orders or guidelines with the advanced practice nurse and periodically reviews those orders and the services provided patients under those orders in accordance with accepted standards of medical practice and advanced practice nursing practice;

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- (B) is on site at least once a month to provide medical direction and consultation; and
- (C) is available through telecommunications for consultation on medical problems, complications, or emergencies or patient referral. (See 225 ILCS 60/54.5(6).)

The written collaborative agreement shall be for services the collaborating physician generally provided to his or her patients in the normal course of clinical practice. Medical direction for a Certified Registered Nurse Anesthetist shall be adequate if:

- (A) an anesthesiologist or a physician participates in the joint formulation and joint approval of orders or guidelines and periodically reviews those orders and the services provided patients under those orders; and

- (B) for anesthesia services, the anesthesiologist or physician participates through discussion of and agreement with the anesthesiologist in the development of the collaborative anesthesia plan and is physically present and available on the premises during the delivery of anesthesia services for diagnosis, consultation, and treatment of emergency medical conditions. Anesthesia services in a hospital shall be conducted in accordance with Section 10.7 of the Hospital Licensing Act and in an ambulatory surgical treatment center in accordance with Section 6.5 of the Ambulatory Surgical Treatment Center Act. (See 225 ILCS 60/54.5(b-5).)

## 3. COMMUNICATION, CONSULTATION AND REFERRAL

The advanced practice nurse shall consult with the collaborating physician by telecommunication or in person as needed. In the absence of the designated collaborating physician, another physician shall be available for consultation.

The advanced practice nurse shall inform each collaborating physician of all written collaborative agreements he or she has signed with other physicians, and provide a copy of these to any collaborating physician upon request.

## 4. DELEGATION OF PRESCRIPTIVE AUTHORITY

As the collaborating physician, any prescriptive authority delegated to the advanced practice nurse is set forth in Attachment C.

NOTE: ADVANCED PRACTICE NURSE MAY ONLY PRESCRIBE CONTROLLED SUBSTANCES UPON RECEIPT OF AN ILLINOIS MID-LEVEL PRACTITIONER

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## CONTROLLED SUBSTANCE LICENSE.

WE THE UNDERSIGNED AGREE TO THE TERMS AND CONDITIONS OF THIS WRITTEN COLLABORATIVE AGREEMENT.

\_\_\_\_\_  
Collaborating Physician  
Signature/Date

\_\_\_\_\_  
Advanced Practice Nurse  
Signature/Date

\_\_\_\_\_  
(Physician's Typed Name)

\_\_\_\_\_  
(Advanced Practice Nurse's Typed Name)

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ATTACHMENT A  
PRACTICE SITES

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ATTACHMENT B  
JOINT ORDERS OR GUIDELINES

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ATTACHMENT C  
DELEGATION OF PRESCRIPTIVE AUTHORITY

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## Section 1305-EXHIBIT B Sample Written Practice Agreement for Office Based Anesthesia Services

## WRITTEN PRACTICE AGREEMENT FOR OFFICE-BASED ANESTHESIA SERVICES

[A WRITTEN PRACTICE AGREEMENT IS REQUIRED AT A MINIMUM FOR A CERTIFIED REGISTERED NURSE ANESTHETIST TO PRACTICE IN AN OFFICE OF A LICENSED PHYSICIAN, LICENSED DENTIST OR LICENSED PODIATRIST. A WRITTEN COLLABORATIVE AGREEMENT MAY ALSO BE USED IN THESE SETTINGS. HOWEVER, A CERTIFIED REGISTERED NURSE ANESTHETIST IS NOT REQUIRED TO POSSESS PRESCRIPTIVE AUTHORITY OR A WRITTEN COLLABORATIVE AGREEMENT TO PROVIDE ANESTHESIA SERVICES ORDERED BY A LICENSED PHYSICIAN, DENTIST OR PODIATRIST.]

## A. CERTIFIED REGISTERED NURSE ANESTHETIST (CRNA) INFORMATION

1. Name: \_\_\_\_\_
2. Certification/Recertification #: \_\_\_\_\_
3. Illinois RN License #: \_\_\_\_\_
4. Illinois APN License #: \_\_\_\_\_
5. Contact Number: \_\_\_\_\_  
Facsimile Number: \_\_\_\_\_  
Emergency Contact Numbers: \_\_\_\_\_  
(e.g., pager, answering service)
6. Attachments: \_\_\_\_\_

Copy of CRNA Certification/Recertification  
Copies of RN & APN License  
Copy of Certificate of Insurance

## B. ANESTHESIOLOGIST, PHYSICIAN, DENTIST OR PODIATRIST INFORMATION

1. Name: \_\_\_\_\_
2. Illinois License #: \_\_\_\_\_
3. Practice Area or Concentration: \_\_\_\_\_
4. Board Certification (if any): \_\_\_\_\_
5. Certifying Organization: \_\_\_\_\_
6. Practice Site: \_\_\_\_\_



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7. Contact Number: \_\_\_\_\_  
 Facsimile Number: \_\_\_\_\_  
 Emergency Contact Numbers: \_\_\_\_\_  
 (e.g., pager, answering service)

## C. WORKING RELATIONSHIP OF THE PARTIES

Under this agreement, the CRNA will deliver anesthesia services to designated patients in an active practice working with the anesthesiologist, physician, dentist or podiatrist pursuant to a mutually agreed upon anesthesia plan.

1. A licensed certified registered nurse anesthetist may provide anesthesia services pursuant to the order of a licensed physician, licensed dentist, or licensed podiatrist in the office of a licensed physician, the office of a licensed dentist, or the office of a licensed podiatrist. For anesthesia services, an anesthesiologist, physician, dentist, or podiatrist shall participate through discussion of and agreement with the anesthesia plan and shall remain physically present and be available on the premises during the delivery of anesthesia services for diagnosis, consultation, and treatment of emergency medical conditions. (See 225 ILCS 65/15-25(a).)

2. A certified registered nurse anesthetist is not required to possess prescriptive authority or a written collaborative agreement meeting the requirements of Section 15-15 of the Act to provide anesthesia services ordered by a licensed physician, dentist, or podiatrist. (See 225 ILCS 65/15-25(d).) Certified registered nurse anesthetists are authorized to select, order, and administer drugs and apply the appropriate medical devices in the provision of anesthesia services under the anesthesia plan agreed with by the anesthesiologist, physician, dentist or podiatrist. In a physician's office, dentist's office, or podiatrist's office, the anesthesiologist, operating physician, operating dentist, or operating podiatrist shall agree with the anesthesia plan, in accordance with the written practice agreement. (See 225 ILCS 65/15-25(d).)

3. In a dentist's office, the Certified Registered Nurse Anesthetist may only provide those services the dentist is authorized to provide pursuant to the Illinois Dental Practice Act and rules. Licensed dentists are required to hold permits to administer anesthesia pursuant 68 Ill. Adm. Code 1220: Subpart D. In a podiatrist's office, the certified registered nurse anesthetist may only provide those services the podiatrist is authorized to provide pursuant to the Podiatric Medical Practice Act of 1987 and rules. Podiatrists may not administer general anesthetics. (See 68 Ill. Adm. Code 1305.45(e).)

## D. CATEGORIES OF CARE, TREATMENT OR PROCEDURES TO BE PERFORMED

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A licensed Certified Registered Nurse Anesthetist may provide anesthesia services pursuant to the order of a licensed physician, licensed dentist, or licensed podiatrist in the office of a licensed physician, the office of a licensed dentist, or the office of a licensed podiatrist. For anesthesia services, an anesthesiologist, physician, dentist, or podiatrist shall participate through discussion of and agreement with the anesthesia plan and shall remain physically present and be available on the premises during the delivery of anesthesia services for diagnosis, consultation, and treatment of emergency medical conditions. (See 225 ILCS 65/15-25(a).)

A Certified Registered Nurse Anesthetist is not required to possess prescriptive authority or a written collaborative agreement meeting the requirements of Section 15-15 of the Act to provide anesthesia services ordered by a licensed physician, dentist, or podiatrist. (See 225 ILCS 65/15-25(d).) Certified registered nurse anesthetists are authorized to select, order, and administer drugs and apply the appropriate medical devices in the provision of anesthesia services under the anesthesia plan agreed with by the anesthesiologist, physician, dentist or podiatrist. In a physician's office, dentist's office, or podiatrist's office, the anesthesiologist, operating physician, operating dentist, or operating podiatrist shall agree with the anesthesia plan, in accordance with the written practice agreement. (See 225 ILCS 65/15-25(d).)

In a dentist's office, the Certified Registered Nurse Anesthetist may only provide those services the dentist is authorized to provide pursuant to the Illinois Dental Practice Act and rules. Licensed dentists are required to hold permits to administer anesthesia pursuant 68 Ill. Adm. Code 1220: Subpart D. In a podiatrist's office, the Certified Registered Nurse Anesthetist may only provide those services the podiatrist is authorized to provide pursuant to the Podiatric Medical Practice Act of 1987 and rules. Podiatrists may not administer general anesthetics. (See 68 Ill. Adm. Code 1305.45(e).)

The anesthesia service that the CRNA may provide in the anesthesiologist's, physician's, dentist's or podiatrist's office setting shall be set forth in the attached pages.

Signature of CRNA/Date

CRNA's Typed Name

Signature of Anesthesiologist, Physician, Dentist or Podiatrist/Date

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Anesthesiologist's, Physician's, Dentist's or Podiatrist's Typed Name

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- 1) Heading of the Part: Cigarette Tax Act
- 2) Code Citation: 86 Ill. Adm. Code 440
- 3) Section Numbers: Proposed Action:  
440.240 New Section
- 4) Statutory Authority: 35 ILCS 130
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking implements Public Act 91-901 by adding protest procedures for applicants who are denied a distributor's license and distributors who have their license revoked or suspended under the Cigarette Tax Act.
- 6) Will this proposed amendment replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes  

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
440.50	Amendment	7/21/00, 24 Ill. Reg. 10589
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 11) Time, Place and Manner in which interested persons may comment on this Proposed rulemaking: Persons who wish to submit comments on this Proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:  

Gina Roccaforte  
Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield, Illinois 62794  
Phone: (217) 782-6996
- 12) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not-for-profit corporations affected: Applicants for distributors' licenses and licensed distributors
  - B) Reporting, bookkeeping or other procedures required for compliance:

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C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 2000

The full text of the Proposed Amendments begins on the next page:

Section	Nature and Rate of Tax	440.10
440.20	Tax--How Paid	
440.30	Tax--Who Liable For	
440.40	Design	
440.50	Tax Stamps--When and By Whom Affixed: License or Permit Required	
440.60	Tax Stamps--How Affixed	
440.70	Tax Stamps--Affixed Out of State	
440.80	Transporter Permits	
440.90	Tax Stamps--Purchase of: Cost: Discount	
440.100	Returns Required: When Filled	
440.110	Books and Records: Examination: Preservation	
440.120	Unused Stamps and Meter Units: Sale of: Notice to Department	
440.130	Mutilated Stamps	
440.140	Tax Meters (Repealed)	
440.150	Tax Meter Machine Settings (Repealed)	
440.160	Vending Machines	
440.170	Sales Out of Illinois	
440.180	Sales to Governmental Bodies	
440.190	Sample Packages of Cigarettes: Stamps or Other Evidence of Tax Payment Affixed	
440.200	Claim for Replacement	
440.210	Sale of Forfeited Cigarettes and Vending Machines	
440.220	Tax-Free Sales of Cigarettes for Use Aboard Ships Operating in Foreign Commerce Outside the Continental Limits of the United States	
440.230	Claims for Credit or Refund	
440.240	Protest Procedures	

AUTHORITY: Implementing and authorized by the Cigarette Tax Act [35 ILCS 130].

SOURCE: Filed and effective June 17, 1958; amended at 6 Ill. Reg. 2831 and 2834, effective March 3, 1982; codified at 8 Ill. Reg. 17912; amended at 13 Ill. Reg. 10678, effective June 16, 1989; amended at 14 Ill. Reg. 6794, effective April 19, 1990; amended at 15 Ill. Reg. 117, effective December 24, 1990; emergency amendment at 23 Ill. Reg. 9541, effective July 29, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 14748, effective December 8, 1999; amended at 24 Ill. Reg. 9903, effective June 23, 2000; emergency amendment at 24 Ill. Reg. 10752, effective July 6, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 440.240 Protest Procedures

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TITLE 86: REVENUE  
CHAPTER 1: DEPARTMENT OF REVENUE

PART 440  
CIGARETTE TAX ACT

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- a) Any person aggrieved by any decision of the Department under Section 4 of the Act (denial of distributor's license) may, within 20 days after notice of the decision, protest and request a hearing. Upon receiving a request for a hearing, the Department shall give notice to the person requesting the hearing of the time and place fixed for the hearing and shall hold a hearing in conformity with the provisions of the Act and then issue its final administrative decision in the matter to that person. In the absence of a protest and request for a hearing within 20 days, the Department's decision shall become final without any further determination being made or notice given. (Section 4 of the Act)
- b) Any distributor aggrieved by any decision of the Department under Section 6 of the Act (revocation or suspension of license) may, within 20 days after notice of the decision, protest and request a hearing. Upon receiving a request for a hearing, the Department shall give notice in writing to the distributor requesting the hearing that contains a statement of the charges preferred against the distributor and that states the time and place fixed for the hearing. The Department shall hold the hearing in conformity with the provisions of the Act and then issue its final administrative decision in the matter to the distributor. In the absence of a protest and request for a hearing within 20 days, the Department's decision shall become final without any further determination being made or notice given. (Section 6 of the Act)

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Cigarette Use Tax Act
- 2) Code Citation: 86 Ill. Adm. Code 450
- 3) Section Numbers: Proposed Action:  
450.130 New Section
- 4) Statutory Authority: 35 ILCS 135
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking implements Public Act 91-901 by adding protest procedures for applicants who are denied a distributor's license and distributors who have their license revoked or suspended under the Cigarette Use Tax Act.
- 6) Will this proposed amendment replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:
- Gina Roccaforte  
Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield, Illinois 62794  
Phone: (217) 782-6996
- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Applicants for distributors' licenses and licensed distributors
- B) Reporting, bookkeeping or other procedures required for compliance:

Section Numbers Proposed Action IL Register Citation  
450.10 Amendment 7/21/00, 24 Ill. Reg. 10591



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Minimal

C) Types of professional skills necessary for compliance: None13) Regulatory Agenda on which this rulemaking was summarized: July 2000The full text of the Proposed Amendments begins on the next page:

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TITLE 86: REVENUE

## CHAPTER 1: DEPARTMENT OF REVENUE

## PART 450

## CIGARETTE USE TAX ACT

Section	
450.10	Nature and Rate of Tax
450.20	Tax Stamps--Affixed Out of State
450.30	Licenses and Permits--Bonds
450.40	Reports and Returns
450.50	Books and Records
450.60	Unused Stamps and Meter Units--Sale of--Notice to Department--Mutilated Stamps--Tax Meter Machine Settings
450.70	Cigarettes Used Outside Illinois
450.80	Purchase of Cigarettes by Governmental Bodies for Use
450.90	Claim for Replacement
450.100	Sample Packages of Cigarettes--Stamps or Other Evidence of Tax Collection Affixed
450.110	Sale of Forfeited Cigarettes and Vending Machines
450.120	Claims for Credit or Refund
450.130	Protest Procedures

AUTHORITY: Implementing and authorized by the Cigarette Use Tax Act [35 ILCS 135].

SOURCE: Filed and effective June 17, 1958; codified at 8 Ill. Reg. 13838; amended at 13 Ill. Reg. 10687, effective June 16, 1989; amended at 14 Ill. Reg. 6804, effective April 19, 1990; amended at 15 Ill. Reg. 122, effective December 24, 1990; amended by emergency rulemaking at 23 Ill. Reg. 9546, effective July 29, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 14753, effective December 8, 1999; amended at 24 Ill. Reg. 9909, effective June 23, 2000; emergency amendment at 24 Ill. Reg. 10759, effective July 6, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 450.130 Protest Procedures

- a) Any person aggrieved by any decision of the Department under Section 4 of the Act (denial of distributor's license) may, within 20 days after notice of the decision, protest and request a hearing. Upon receiving a request for a hearing, the Department shall give notice to the person requesting the hearing of the time and place fixed for the hearing and shall hold a hearing in conformity with the provisions of the Act and then issue its final administrative decision in the matter to that person. In the absence of a protest and request for a hearing within 20 days, the Department's decision shall become final without any further determination being made or notice given. (Section 4 of

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- the Act)
- b) Any distributor aggrieved by any decision of the Department under Section 6 of the Act (revocation or suspension of license) may, within 20 days after notice of the decision, protest and request a hearing. Upon receiving a request for a hearing, the Department shall give notice in writing to the distributor requesting the hearing that contains a statement of the charges preferred against the distributor and that states the time and place fixed for the hearing. The Department shall hold the hearing in conformity with the provisions of the Act and then issue its final administrative decision in the matter to the distributor. In the absence of a protest and request for a hearing within 20 days, the Department's decision shall become final without any further determination being made or notice given. (Section 4 of the Act)

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Use Tax
- 2) Code Citation: 86 Ill. Adm. Code 150
- 3) Section Numbers: Proposed Action:  
150.337 New Section
- 4) Statutory Authority: 35 ILCS 105
- 5) Statutory Authority: This rulemaking adds Section 150.337 by implementing Public Act 91-901 which provides that beginning January 1, 2000, the Use Tax shall not apply to the use of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption), and prescription and nonprescription medicines, drugs, medical appliances, and insulin, syringes, and needles used by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:
- Gina Roccaforte  
Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield, Illinois 62794  
(217) 782-6996
- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Purchasers of food, drugs, medicines and medical

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

appliances for use by certain persons receiving medical assistance under the Illinois Public Aid Code who reside in licensed long-term care facilities.

B) Reporting, bookkeeping or other procedures required for compliance: Minimal.

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 2000

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUE

PART 150  
USE TAX

SUBPART A: NATURE OF THE TAX

Section	Description of the Tax
150.101	Rate and Base of Tax
150.105	How to Compute Depreciation
150.110	How to Determine Effective Date
150.115	Effective Date of New Taxes
150.120	Relation of Use Tax to Retailers' Occupation Tax
150.125	Accounting for the Tax
150.130	How to Avoid Paying Tax on Use Tax Collected From the Purchaser
150.135	

SUBPART B: DEFINITIONS

Section	General Definitions
150.201	

SUBPART C: KINDS OF USES AND USERS NOT TAXED

Section	Cross References
150.301	Effect of Limitation that Purchase Must be at Retail From a Retailer to be Taxable
150.305	Interim Use and Demonstration Exemptions
150.306	Exemptions to Avoid Multi-State Taxation
150.310	Non-resident Exemptions
150.315	Meaning of "Acquired Outside This State"
150.320	Charitable, Religious, Educational and Senior Citizens Recreational Organizations as Buyers
150.325	Governmental Bodies as Buyers
150.330	Persons Who Lease Tangible Personal Property to Exempt Hospitals
150.331	Persons Who Lease Tangible Personal Property to Governmental Bodies
150.332	Game or Game Birds Purchased at Game Breeding and Hunting Areas or Exotic Game Hunting Areas
150.335	Fuel Brought Into Illinois in Locomotives
150.336	Food, Drugs, Medicines and Medical Appliances When Purchased for Use by a Person Receiving Medical Assistance under the Illinois Public Aid Code
150.337	

SUBPART D: COLLECTION OF THE USE TAX FROM USERS BY RETAILERS

Section
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## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

Collection of the Tax by Retailers From Users

150.401 Tax Collection Brackets

150.405 Tax Collection Brackets for a 2-1/4% Rate of Tax (Repealed)

150.410 Tax Collection Brackets for a 2-1/2% Rate of Tax (Repealed)

150.415 Tax Collection Brackets for a 2-3/4% Rate of Tax (Repealed)

150.420 Tax Collection Brackets for a 3% Rate of Tax (Repealed)

150.425 Tax Collection Brackets for a 3-1/8% Rate of Tax (Repealed)

150.430 Tax Collection Brackets for a 3-1/4% Rate of Tax (Repealed)

150.435 Tax Collection Brackets for a 3-1/2% Rate of Tax (Repealed)

150.440 Tax Collection Brackets for a 3-3/4% Rate of Tax (Repealed)

150.445 Tax Collection Brackets for a 4% Rate of Tax (Repealed)

150.450 Tax Collection Brackets for a 4-1/8% Rate of Tax (Repealed)

150.455 Tax Collection Brackets for a 4-1/4% Rate of Tax (Repealed)

150.460 Tax Collection Brackets for a 4-1/2% Rate of Tax (Repealed)

150.465 Tax Collection Brackets for a 4-3/4% Rate of Tax (Repealed)

150.470 Tax Collection Brackets for a 5% Rate of Tax (Repealed)

150.475 Tax Collection Brackets for a 5-1/8% Rate of Tax (Repealed)

150.480 Tax Collection Brackets for a 5-1/4% Rate of Tax (Repealed)

150.485 Tax Collection Brackets for a 5-1/2% Rate of Tax (Repealed)

150.490 Tax Collection Brackets for a 5-3/4% Rate of Tax (Repealed)

150.495 Tax Collection Brackets for a 6% Rate of Tax (Repealed)

150.500 Optional 1% Schedule (Repealed)

150.505 Exact Collection of Tax Required When Practicable

150.510 Prohibition Against Retailer's Representing That He Will Absorb The Tax

150.515

150.520 Display of Tax Collection Schedule (Repealed)

150.525 Methods for Calculating Tax on Sales of Items Subject to Differing Tax Rates

## SUBPART E: RECEIPT FOR THE TAX

## Requirements

## SUBPART F: SPECIAL INFORMATION FOR TAXABLE USERS

Section

150.601

Section

150.701 When and Where to File a Return

150.705 Use Tax on Items that are Titled or Registered in Illinois

150.710 Procedure in Claiming Exemption from Use Tax

150.715 Receipt for Tax or Proof of Exemption Must Accompany Application for Title or Registration

150.716 Display Certificates for House Trailers

150.720 Issuance of Title or Registration Where Retailer Fails or Refuses to Remit Tax Collected by Retailer from User

150.725 Direct Payment of Tax by User to Department on Intrastate Purchase Under Certain Circumstances

150.730 Direct Reporting of Use Tax to Department by Registered Retailers

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

SUBPART G: REGISTRATION OF OUT-OF-STATE RETAILERS

Section

150.801 When Out-of-State Retailers Must Register and Collect Use Tax

150.805 Voluntary Registration by Certain Out-of-State Retailers

150.810 Incorporation by Reference

SUBPART H: RETAILERS' RETURNS

Section

150.901 When and Where to File

150.905 Deduction for Collecting Tax

150.910 Incorporation by Reference

150.915 Itemization of Receipts from Sales and the Tax Among the Different States from Which Sales are Made into Illinois

SUBPART I: PENALTIES, INTEREST, STATUTE OF LIMITATIONS AND ADMINISTRATIVE PROCEDURES

Section

150.1001 General Information

SUBPART J: TRADED-IN PROPERTY

Section

150.1101 General Information

SUBPART K: INCORPORATION OF ILLINOIS RETAILERS' OCCUPATION TAX REGULATIONS BY REFERENCE

Section

150.1201 General Information

SUBPART L: BOOKS AND RECORDS

Section

150.1301 Users' Records

150.1305 Retailers' Records

150.1310 Use of Signs to Prove Collection of Tax as a Separate Item

150.1315 Consequence of Not Complying with Requirement of Collecting Use Tax Separately from the Selling Price

150.1320 Incorporation by Reference

SUBPART M: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section

150.1401 Claims for Credit--Limitations--Procedure

150.1405 Disposition of Credit Memoranda by Holders Thereof



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## NOTICE OF PROPOSED AMENDMENTS

150.1410 Refunds  
150.1415 Interest

## TABLE A Tax Collection Brackets

**AUTHORITY:** Implementing the Use Tax Act [35 ILCS 105] and authorized by Section 2505-90 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-90].

**SOURCE:** Adopted August 1, 1955; amended at 4 Ill. Reg. 24, p. 553, effective June 1, 1980; amended at 5 Ill. Reg. 5351, effective April 30, 1981; amended at 5 Ill. Reg. 11072, effective October 6, 1981; codified at 6 Ill. Reg. 9326; amended at 8 Ill. Reg. 3704, effective March 12, 1984; amended at 8 Ill. Reg. 7086, effective May 11, 1984; amended at 8 Ill. Reg. 8623, effective June 5, 1984; amended at 11 Ill. Reg. 6275, effective March 20, 1987; amended at 14 Ill. Reg. 6932, effective April 15, 1990; amended at 15 Ill. Reg. 5861, effective April 5, 1991; emergency amendment at 16 Ill. Reg. 1489, effective September 1, 1992; a maximum of 180 days; amended at 17 Ill. Reg. 1971, effective February 2, 1993; amended at 18 Ill. Reg. 1594, effective January 13, 1994; amended at 20 Ill. Reg. 7019, effective May 7, 1996; amended at 21 Ill. Reg. 16224, effective December 16, 1996; amended at 22 Ill. Reg. 21670, effective November 25, 1998; amended at 24 Ill. Reg. 10728, effective July 7, 2000; amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART C: KINDS OF USES AND USERS NOT TAXED

**Section 150.337 Food, Drugs, Medicines and Medical Appliances When Purchased for Use by a Person Receiving Medical Assistance under the Illinois Public Aid Code**

*Beginning January 1, 2000, the Use Tax shall not apply to the use of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act. [Section 3-5 of the Act]*

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## STATE BOARD OF ELECTIONS

## NOTICE OF ADOPTED AMENDMENTS

- 1) **Heading of the Part:** Practice and Procedure
- 2) **Code Citation:** 26 Ill. Adm. Code 125
- 3) **Section Number:** Adopted Action:  
125-40 Amendment  
125-100 Amendment  
125-262 Amendment  
125-320 Amendment  
125-350 Amendment  
125-360 Amendment  
125-420 Amendment
- 4) **Statutory Authority:** Implementing 10 ILCS 5/9-1, et seq., and authorized by Sections 18-8(9) and 9-15(3) of the Illinois Election Code [10 ILCS 5/18-8(9) and 9-15(3)].
- 5) **Effective Date of Amendments:** September 11, 2000
- 6) **Do these adopted amendments contain an automatic repeal date?** No
- 7) **Do these adopted amendments contain incorporations by reference?** No
- 8) **A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.**
- 9) **Date the Notice of proposed amendments was published in the Illinois Register:** October 22, 1999; 23 Illinois Register 12913
- 10) **Has JCAR issued a statement of objection to these amendments?** No
- 11) **Differences between proposal and final versions:** Nonsubstantive technical changes suggested by the Joint Committee on Administrative Rules have been incorporated.
- 12) **Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?** Yes
- 13) **Will these amendments replace an emergency amendment currently in effect?** No
- 14) **Are there any amendments pending on this Part?** No
- 15) **Summary and purpose of these amendments:**  
100.40 Corrects statutory citation

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100.100 Measures the time to file a request for disqualification of Hearing Examiner from the time the order of appointment is received.

100.262 Allows the Board to make a final disposition of a case without public hearing if the respondent committee acknowledges responsibility and corrects its actions.

100.320 Requires the Board to determine if a public hearing is necessary even if justifiable grounds for filing the complaint have been shown.

100.350 Allows the Hearing Examiner to request issuance of subpoenas *sua sponte*.

100.360 Allows the General Counsel to issue subpoenas upon the *sua sponte* request of the Hearing Examiner. Fixes the fees for witnesses at the same rate as for subpoenas in civil matters in the Circuit Court.

100.420 Changes statutory references. Raises the maximum civil penalty to the amount authorized by statute. Removes the limitation of 12 month compliance from Final Orders under Section 9-10 of the Election Code. Deletes the requirements that final orders must instruct the General Counsel to seek civil enforcement of the penalty.

16) Information and questions regarding these adopted amendments shall be directed to:

A. L. Zimmer, General Counsel  
State Board of Elections  
James R. Thompson Center  
100 W. Randolph Street, Suite 14-100  
Chicago IL 60601  
312/814-6440

The full text of the adopted amendments begins on the next page:

## STATE BOARD OF ELECTIONS

## NOTICE OF ADOPTED AMENDMENTS

TITLE 26: ELECTIONS  
CHAPTER 1: STATE BOARD OF ELECTIONS

## PART 125

## PRACTICE AND PROCEDURE

## SUBPART A: DEFINITION AND GENERAL PROVISIONS

Section	
125.5	Applicability
125.10	Definitions
125.15	Board Offices and Business Hours
125.20	Documents Pertaining to Hearings
125.30	Form of Documents
125.40	Service of Documents
125.50	Computation of Time
125.55	Time of Notices
125.60	Appearances
125.70	Non-Legal Assistance
125.75	Parties
125.80	Answer
125.90	Qualifications of Hearing Examiner
125.95	Authority of Hearing Examiner
125.100	Disqualification of Hearing Examiner
125.110	Motions
125.115	Consolidation and Severance of Claims: Additional Parties
125.120	Amendments
125.130	Intervention
125.135	Pre-hearing Conferences
125.140	Settlement Pursuant to Conference
125.150	Record of Conferences
125.160	Continuances
125.170	Order of Proceedings
125.175	Failure of Party to Appear
125.180	Evidence
125.185	Official Notice
125.190	Examination of Adverse Party or Agent
125.192	Participation by Board Members and Staff
125.195	Hostile Witnesses
125.197	Admission of Business Records in Evidence
125.199	Compelling Appearance at Hearing

## SUBPART B: CLOSED PRELIMINARY HEARINGS

Section	
125.210	Applicability
125.220	Commencement of Proceeding
125.230	Form of Complaint

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125.235 Board Members as Complainants  
125.240 Service of Complaint  
125.245 Appointment of Examiner - Order of Closed Preliminary Hearing  
125.250 Time of Preliminary Hearing (Repealed)  
125.252 Scope of Preliminary Hearing - Procedures  
125.253 Responsibilities of the General Counsel  
125.254 Stipulated Settlement  
125.255 Transcript of Preliminary Hearing (Repealed)  
125.260 Report of Hearing Examiner (Repealed)  
125.262 Board Determination  
125.265 Judicial Review  
125.270 Record of Preliminary Hearing on Appeal Administrative Review  
125.272 Order of Public Hearing  
125.275 Time and Conduct of Public Hearing (Repealed)

SUBPART C: PUBLIC ADJUDICATIVE HEARINGS

Section  
125.310  
125.315  
125.320  
125.330  
125.340  
125.350  
125.360  
125.370  
125.380  
125.390

Applicability  
Initiation of Hearing  
Appointment of Hearing Examiner  
Notice of Hearing  
Discovery Procedures  
Subpoenas  
Transcript of Proceedings  
Official Record  
Briefs and Oral Argument

SUBPART D: FINAL ORDERS

Section  
125.410  
125.420  
125.425  
125.430  
125.440

Hearing Examiners Report  
Order of the Board; Civil Penalties  
Civil Penalty Assessments  
Enforcement Actions in the Circuit Court  
Reconsideration

SUBPART E: INVESTIGATIONS, INQUIRIES AND HEARINGS  
PURSUANT TO SECTION 9-18

Section  
125.510  
125.520  
125.530  
125.540  
125.550

Applicability (Repealed)  
Staff Review and Enforcement of Reporting Requirements  
Compliance Conference  
Staff Initiated Complaint (Repealed)  
Investigations, Inquiries or Hearings

SUBPART F: RULEMAKING AND NON-ADJUDICATIVE HEARINGS

STATE BOARD OF ELECTIONS

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Section  
125.610  
125.620  
125.630  
125.640  
125.650  
125.660  
125.670  
125.680

Applicability  
Adoption of Rules  
Non-Adjudicative Hearings  
Notice of Hearing  
Conduct of the Hearing  
Examination of Witness  
Record  
Report of Hearing

SUBPART G: ADVISORY OPINIONS

Section  
125.710  
125.720  
125.730  
125.740

Advisory Opinions  
Reconsideration of Advisory Opinions  
Public Availability of Advisory Opinion  
Conflict Between this Part and the APA

SUBPART H: MISCELLANEOUS PROVISIONS

Section  
125.810  
125.820  
125.830  
125.840

Ex Parte Communications  
Effective Date  
Interpretation  
Severability

AUTHORITY: Implementing and authorized by Sections 1A-8(9), 9-15(3), 9-21 and 9-23 of the Election Code [10 ILCS 5/1A-8(9), 9-15(3), 9-21 and 9-23].

SOURCE: Adopted at 5 Ill. Reg. 12115, effective October 26, 1981; amended at 7 Ill. Reg. 230, effective December 16, 1982; amended at 7 Ill. Reg. 15803 and 15810, effective November 9, 1983; codified at 8 Ill. Reg. 3278; amended at 9 Ill. Reg. 4050, effective March 14, 1985; amended at 14 Ill. Reg. 10832, effective June 22, 1990; amended at 16 Ill. Reg. 6986, effective April 21, 1992; amended at 19 Ill. Reg. 6546, effective May 1, 1995; emergency amendment at 23 Ill. Reg. 1122, effective January 7, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 6807, effective May 1, 1999; amended at 24 Ill. Reg. 14203, effective \_\_\_\_\_.

SUBPART A: DEFINITION AND GENERAL PROVISIONS

Section 125.40 Service of Documents

Except as provided in Section 125.240, whenever these Rules require any document to be served upon a party or other person, service shall be complete when the document is served by abode service as provided in the Civil Practice Law [735 ILCS 5/2-203(a)] ~~4441-Rev-Stat-1981y-chr-210; para-2-101-et-seq;7,~~

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## NOTICE OF ADOPTED AMENDMENTS

in person upon the party or his attorney or designated representative, or deposited for mailing with the United States Postal Service, postage prepaid, registered or certified, addressed to the party at his last known address.

(Source: Amended at 24 Ill. Reg. 14208, effective SEP 11 2000)

## Section 125-100 Disqualification of Hearing Examiner

Any party to a hearing may file a timely written request for disqualification of a Hearing Examiner, setting forth therein the nature of the personal bias, prejudice, or other disqualification of a presiding Hearing Examiner, and such Hearing Examiner shall be thereupon disqualified. When a Hearing Examiner is disqualified, or it becomes impractical for him to continue, another presiding Hearing Examiner shall be appointed in the manner provided for initial appointment, unless it is further shown that substantial bias or prejudice will result from the appointment. A Hearing Examiner may at any time voluntarily disqualify himself. A request for disqualification shall be considered timely if made within three (3) days after receipt of the notice of the appointment of the Hearing Examiner by the party requesting the disqualification and at least twenty-four (24) hours prior to the commencement of the hearing or pre-hearing conference by the Hearing Examiner; provided, however, that in the case of a complaint filed within sixty (60) days preceding the date of an election in reference to which the complaint is filed, such request shall be considered timely only if verbal notice of the request is given to the General Counsel within eight (8) hours after the requesting party has received telegraphic or telephonic notice of the appointment of the Hearing Examiner.

(Source: Amended at 24 Ill. Reg. 14208, effective SEP 11 2000)

## SUBPART B: CLOSED PRELIMINARY HEARINGS

## Section 125-262 Board Determination

- a) After the submission of the recommendations of the Examiner, the minutes, and the recommendations of the General Counsel, if any, the Board shall determine whether the complaint was filed on justifiable grounds. If the Board determines that the complaint was filed on justifiable grounds, and if the respondent is unwilling to take such action as is necessary to correct the violation or refrain from the conduct giving rise to the violation, it shall order a public hearing to be conducted in accordance with the provisions of Subpart C of this Part.
- b) The Board may consider and discuss the Examiner's recommendation through a conference telephone call begun in open session and continued in executive session in lieu of an in-person meeting, and such consideration and discussion shall be deemed part of the closed

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preliminary hearing process. Any action on the Examiner's report recommendations must be taken in open session or if taken as part of the telephonic conference call, that portion of the conference call shall be broadcast over a speaker phone or other similar device at both the permanent and branch offices of the Board and that portion of the broadcast call be open to the media and public.

(Source: Amended at 24 Ill. Reg. 14208, effective SEP 11 2000)

## SUBPART C: PUBLIC ADJUDICATIVE HEARINGS

## Section 125-320 Initiation of Hearing

- a) Hearings conducted pursuant to Subpart C shall be initiated once the Board has determined that a complaint alleging a violation of the Act has been filed upon justifiable grounds and further determines that such is necessary under the provision of Section 125-262(a) of this Act.
- b) Hearings may also be initiated by the Board when, in the exercise of its discretion, it determines there are reasonable grounds to believe that a violation of any other election law may have occurred.
- c) The Board may determine that any adjudicative hearing shall be held before the Board. In the absence of such determination an adjudicative hearing shall be conducted by a Hearing Examiner.
- d) Any hearing before the Board shall be conducted in the same manner as provided for the calling and conduct of hearings by a Hearing Examiner, except that after the conclusion of such hearing the Board shall issue its final order without the necessity of written comment by the General Counsel.

(Source: Amended at 24 Ill. Reg. 14208, effective SEP 11 2000)

## Section 125-350 Discovery Procedures

- a) Discovery procedures may be ordered by the Hearing Examiner upon the written request of any party, or upon his own motion, where necessary to expedite the proceedings, to insure a clear and concise record, to insure a fair opportunity to prepare for the hearing, or to avoid surprise at the hearing, and where the allowance of such discovery procedures will not interfere with or impair the time requirements applicable to the proceeding. Discovery may consist of the following:
    - 1) production of documents or things;
    - 2) depositions;
    - 3) written interrogatories; and
    - 4) requests for admissions of fact.
- The Hearing Examiner may restrict or deny such discovery where



## STATE BOARD OF ELECTIONS

## NOTICE OF ADOPTED AMENDMENTS

necessary to prevent undue delay or harassment.

- b) The Hearing Examiner shall order the following discovery upon written request of any party:

- 1) list of witnesses who are known to the party, and who have knowledge of relevant facts;
  - 2) a list of any expert witnesses who may be called at the hearing, which shall be submitted to all parties prior to the hearing.
- c) Any person, including a party, who is deposed, interrogated or required to submit documents or things under this Part may be examined regarding any matter, not privileged, which is relevant to the subject matter of the pending case, or which may lead to the discovery of such relevant information.

- d) Except as otherwise provided, all depositions and written interrogatories taken pursuant to this Section shall be for purposes of discovery only. Such depositions and interrogatories may be used for purposes of impeachment, as admissions, or as any affidavit could be used. Upon application to the Hearing Examiner either before or after the taking of such deposition or the filing of written interrogatories and upon a showing that at the time of the hearing the party deposed or interrogated will not be available due to death, age, sickness, infirmity, absence from the country or other exceptional circumstances, the Hearing Examiner may order that the deposition or interrogatories be used as evidence in the hearing.

- e) Upon transcription of a deposition, it shall be made available to the deponent for examination, unless his signature is waived at the deposition. Any changes in form or substance which the deponent desires to make shall be entered upon the deposition by the officer taking the same with a statement of the reasons given by the deponent making them. The deposition shall then be signed by the deponent unless he is ill or cannot be found or refuses to sign, in which event the officer's certificate shall state the reason for the omission of the signature.

(Source: Amended at 24 Ill. Reg. 14208, effective 5/9/2000)

## Section 125.360 Subpoenas

- a) Upon application to the Hearing Examiner by any party, or upon the request of the Hearing Examiner, the General Counsel may issue a subpoena in the name of the Board for attendance at a deposition or hearing, which may include a command to produce books, papers, documents or tangible things designated therein and reasonably necessary to resolution of the matter under consideration, subject to the limitations on discovery prescribed by Section 125.350. The Hearing Examiner, upon motion, and in any event at or before the time specified in the subpoena for compliance therewith, may quash or modify the subpoena if it is unreasonable or oppressive.

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- b) Every subpoena shall state the title of the action and shall command each person to whom it is directed:
- 1) to attend and give testimony at the time and place therein specified, and/or
  - 2) to produce books, papers, documents or tangible things designated therein at the time and place therein specified.

- c) A subpoena duces tecum may be limited to the production of documents and not require personal attendance of the person to whom it is directed.

- d) The party requesting the issuance of a subpoena shall tender therewith a check reimbursing the witness for the round trip cost of travel between the witness's place of residence and the place where his presence is requested. Reimbursement shall be equal to that provided by statute for civil costs in the Circuit Court of Illinois, as computed on the basis of the lesser of

- 1) 19¢ per mile or
- 2) the actual cost incurred for airplane or train travel, whichever mode(s) of transportation is used by the witness.

(Source: Amended at 24 Ill. Reg. 14208, effective 5/9/2000)

## SUBPART D: FINAL ORDERS

## Section 125.420 Order of the Board; Civil Penalties

- a) In addition to any complaint disposed of by written stipulation, agreed settlement or consent order pursuant to Section 9-21 of the Election Code [10 ILCS 5/9-21] ~~§§11-Rev.-Stat.-1983; ch.-467-par-9-21~~, the Board shall review the reports submitted by the Hearing Examiner and the General Counsel, and any objections, briefs or memoranda filed by any party to the hearing, and shall issue its final order within the time specified in Section 9-21 of the Election Code [10 ILCS 5/9-21] ~~§§11-Rev.-Stat.-1983; ch.-467-par-9-21~~. If the hearing was extended by stipulation or order of the Hearing Examiner pursuant to Section 125.160, then the Board decision shall be issued:
- 1) within 36 hours of the Hearing Examiner's Report if the complaint was filed within 60 days prior to an election and related to such election, or
  - 2) within 60 days in all other instances.

- A) Oral argument before the Board prior to issuance of a final order or approval of a written stipulation, agreed settlement or consent order shall be permitted at the Board's discretion, if the Board determines supplemental testimony will provide heretofore undiscovered relevant testimony.

- B) The Board may consider, discuss and take final action on any final order, written stipulation, agreed settlement or

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consent order through a conference telephone call in lieu of an in-person meeting. Notice shall be given to the media in advance of such conference call. The call shall be broadcast over speaker phone or other similar device at both the permanent and branch offices of the Board and such broadcast shall be open to the media and public. The entire conference shall also be recorded by a certified court reporter.

- b) Whenever the Board determines a person to be in violation of any provision of the Act or any regulation adopted thereunder, the final order, written stipulation, agreed settlement or consent order shall direct that person to cease or correct such violation or otherwise comply with the Act or regulation within such time as the Board may specify, but not within less than ~~fifteen~~ 15 business days.
- c) The Board shall also notify the person, as part of its final order, written stipulation, agreed settlement or consent order that it shall impose a civil penalty, not to exceed \$5,000 \$17886, on any person who fails or refuses to comply with such final order, written stipulation, agreed settlement or consent order within the time specified by the Board. The procedure for assessment and the amount of civil penalties shall be as set out in Section 125.425 of this Part.

## d) Standing Orders

- 1) Any final order, written stipulation, agreed settlement or consent order issued shall include a provision, referred to as a "Standing Order" provision, requiring that all subsequent reports, statements or filings required by the Act, during the period the standing order provision is in effect, must be made within the time limits set forth in the Act, and that any failure or refusal to comply with such filing deadlines shall result in the imposition of civil penalties by the Board in an amount not to exceed \$5,000 \$17886.

- 2) Any such "Standing Order" shall remain in effect for a period of 12 months from the date of the final order, stipulation or agreed order. This "Standing Order" provision shall not apply to final orders rendered for delinquent filings under Section 9-10 of the Election Code [10 ILCS 5/9-10].

- e) ~~Whenever an order imposes a civil penalty, the order shall direct the General Counsel to petition the appropriate Circuit Court for an order to enforce collection of the penalty pursuant to the provisions of Section 9-23 of the Election Code.~~

- ef) In addition to, or in lieu of, the imposition of a civil penalty, the Board's order may also direct that violations of the Election Code Act, any rule adopted thereunder, or any order issued by the Board, be reported to the Attorney General and the appropriate State's Attorney whenever there appears to be any evidence to suggest that there has been a willful failure to file or willful filing of false or incomplete information required by the Election Code Act and such willful failure to file or willful filing of false and incomplete

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information may possibly constitute a criminal violation of the Election Code Act pursuant to Section 9-26 of the Election Code Act [10 ILCS 5/9-26].

- fg) The Board's order imposing a civil penalty shall become effective immediately upon execution of the final order or as otherwise specified in the order, the Election Code or other rule of the Board.
- gh) All parties to the proceeding shall be notified promptly of any and all orders and exact copies of such order shall be personally delivered or mailed by certified or registered mail to each attorney of record.

(Source: Amended 24 Ill. Reg. 14203, effective SEP 11 2000)

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- 1) Heading of the Part: The Campaign Financing Act
- 2) Code Citation: 26 Ill. Adm. Code 100
- 3) 

<u>Section Number:</u>	<u>Adopted Action:</u>
100.10	Amended
100.20	Amended
100.40	Amended
100.50	Amended
100.60	Amended
100.70	Amended
100.80	Amended
100.90	Amended
100.100	Repealed
100.110	Amended
- 4) Statutory Authority: Implements Article 9 of the Illinois Election Code [10 ILCS 5/Art. 9] and authorized by Section 9-15(3) of the Illinois Election Code [10 ILCS 5/9-15(3)].
- 5) Effective Date of Amendments: September 11, 2000
- 6) Do these adopted amendments contain an automatic repeal date? No
- 7) Do these adopted amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date the Notice of proposed amendments was published in the Illinois Register: October 22, 1999, 23 Ill. Reg 12924
- 10) Has JCAR issued a statement of objection to these amendments? No
- 11) Differences between proposal and final versions: Nonsubstantive technical and editorial changes suggested by the Joint Committee on Administrative Rules have been incorporated.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency amendment currently in effect?  
No
- 14) Are there any amendments pending on this Part? Yes
- |                       |                        |                          |
|-----------------------|------------------------|--------------------------|
| <u>Section Number</u> | <u>Proposed Action</u> | <u>Register Citation</u> |
|-----------------------|------------------------|--------------------------|

STATE BOARD OF ELECTIONS  
NOTICE OF ADOPTED AMENDMENTS

- Amend 8/25/00, 24 Ill Reg. 12841
- 100.70
- 15) Summary and purpose of these amendments:
- 100.10 - Corrects and adds statutory references; amends the definition of "signature" to include electronic signatures.
- 100.20 - Adds statutory references.
- 100.40 - Adds statutory references.
- 100.50 - Changes the threshold amount requiring filing of reports to \$3000.
- 100.60 - Corrects reference to D-1 Statement.
- 100.70 - Corrects and adds statutory references.
- 100.80 - Adds statutory references.
- 100.90 - Replaces "\$1000" in paragraph (c) with "\$3000".
- 100.100 - Repeals section.
- 100.110 - Applies provisions of section to decisions under 10 ILCS 5/9-10 and 10 ILCS 5/9-26; changes the period for determining if a committee is a successor committee from 12 months to 24 months; replaces references to 26 Ill. Adm. Code 125.425 with more general reference to the Illinois Election Code and rules promulgated under the Election Code.

- 16) Information and questions regarding these adopted amendments shall be directed to:

A. L. Zimmer, General Counsel  
State Board of Elections  
James R. Thompson Center  
100 W. Randolph Street, Suite 14-100  
Chicago, IL 60601  
312/814-6440

The full text of the adopted amendments begins on the next page:

## STATE BOARD OF ELECTIONS

## NOTICE OF ADOPTED AMENDMENTS

TITLE 26: ELECTIONS  
CHAPTER 1: STATE BOARD OF ELECTIONSPART 100  
THE CAMPAIGN FINANCING ACT

Section	Definition
100.10	Official Forms
100.20	Forwarding of Documents (Repealed)
100.30	Vacancies in Office - Custody of Records
100.40	Multiple Filings by State and Local Committees
100.50	Filing Option for a Federal Political Committee
100.60	Reports of Contributions and Expenditures
100.70	Report Forms
100.80	Provision Circumvention
100.90	Proof of Identification; Application for Inspection and Copying (Repealed)
100.100	Loans by One Political Committee to Another
100.110	Receipt of Campaign Contributions
100.120	Reporting by Certain Not-for-Profit Organizations
100.130	Prohibited Contributions
100.140	Electronic Filing of Reports
100.150	Good Faith
100.160	Sponsoring Entity
100.170	

AUTHORITY: Implementing Article 9 of the Election Code [10 ILCS 5/Art. 9] and authorized by Section 9-15(3) of the Election Code [10 ILCS 5/9-15(3)].

SOURCE: Amended at 5 Ill. Reg. 1337, effective January 30, 1981; amended at 5 Ill. Reg. 12115, effective October 26, 1981; codified at 6 Ill. Reg. 7211, amended at 7 Ill. Reg. 225, effective December 16, 1982; amended at 14 Ill. Reg. 10824, effective June 22, 1990; amended at 16 Ill. Reg. 6982, effective April 21, 1992; amended at 18 Ill. Reg. 14707, effective September 9, 1994; amended at 21 Ill. Reg. 10044, effective July 21, 1997; emergency amendment at 23 Ill. Reg. 719, effective January 4, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6796, effective May 24, 1999; emergency amendment at 24 Ill. Reg. 13039, effective August 9, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. ~~14214~~, effective ~~5/9/12~~.

## Section 100.10 Definitions

- a) Anything of Value
  - 1) Reference: This Part interprets or applies Sections 9-1.4, 9-1.5 and 9-1.12 of the Election Code [10 ILCS 5/9-1.4, 9-1.5, 9-1.12] ~~Section 9-1.12, 9-1.4, and 9-1.5 of the Election Code~~ ~~10 ILCS 5/9-1.12, 9-1.4, 9-1.5.~~
  - 2) The term "anything of value", as used in Sections 9-1.4, 9-1.5

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- 9-1.4, 9-1.5 and 9-1.12 of the Act, includes all things, services or goods regardless of whether they may be valued in monetary terms according to ascertainable market value.
- 3) "anything of value" which does not have an ascertainable market value may be reported by describing the thing, services or goods contributed, however nothing in this subsection (a)(3) relieves a committee or a contributor of the duty to provide as accurate an assessment of value as possible.
- 4) For purposes of reporting campaign receipts and expenses, income from investments shall be included as receipts during the reporting period they are actually received. The gross purchase price of each investment shall be reported as an expenditure at time of purchase. Net proceeds from the sale of an investment shall be reported as a receipt. During the period investments are held they shall be identified by name and quantity of security or instrument on each semi-annual report during the period. The value of each instrument as of the day the reporting period closes shall be included for each asset held as an investment.
- 5) In addition to the items expressly excluded in the Act, the term "anything of value" shall not be deemed to include:
  - A) Any unreimbursed payments for travel or living expenses related to travel made by an individual who volunteers services on behalf of a candidate or political committee;
  - B) Any news story, commentary, endorsement or editorial of any broadcast station, newspaper, magazine or other periodical publication;
  - C) Any regular publication by a membership organization, labor union or corporation to its officers, employees, members or stockholders, so long as the membership organization or corporation is not organized primarily for the purpose of influencing nomination for election, or election of any candidate, or supporting or opposing any question or questions of public policy. However, publications of an extraordinary or special nature to support or oppose a candidate or candidates or a question or questions of public policy would constitute a campaign contribution or expenditure;
  - D) The occasional use of real property for the purpose of conveying information to officers, employees, members or stockholders and their families of a person or whoever as defined in Section 9-1.6 of the Illinois Campaign Financing Act and as defined in Section 100.10(b) of these Rules and Regulations, including but not limited to the use of such premises for the purpose of a candidate communicating directly with such officers, employees, members or stockholders and their families;
  - E) Unrealized appreciation or loss of value of investments



STATE BOARD OF ELECTIONS  
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b) Assets during the period they are held.

- 1) Reference: This definition of asset interprets or applies to Section 9-5 of the Election Code.
- 2) An asset is an item of property, other than cash or services, of whatever kind, tangible or intangible, that has either a fair market or salvage value in excess of \$150.

c) Candidate

- 1) Reference: This subsection Part interprets or applies Section 9-1.3 of the Election Code.
- 2) "Candidate" as that term is defined in Section 9-1.3 of the Act [10 ILCS 5/9-1.3] shall include, but not by way of limitation:
  - A) A person who circulates or authorizes the circulation of nominating petitions on his behalf for public office;
  - B) An individual who receives contributions or makes expenditures or gives consent for any other person to receive or make expenditures with a view to bringing about his nomination for election or re-election to any office;
  - C) Any judicial incumbent who qualifies for retention.

d) Filing

To constitute a "filing" as used in the Act and in these Rules, the Statement, Report or document must be in apparent and substantial conformity with the requirements of the Act. "Apparent and substantial conformity" requires that the filing contain the following:

- 1) The signature of the person making the filing;
  - 2) Completion of all applicable sections of the report; and
  - 3) Attachment of all appropriate schedules.
- Inadvertent error or omission of a de minimus nature in the completion of report, statement or document shall not be deemed to a "willful failure to file or a willful filing of false or incomplete information" pursuant to Section 9-26 of the Act.

e) Statement of Organization

- 1) Reference: This provision interprets Section 9-3 of the Election Code [10 ILCS 5/9-3].
- 2) A committee officer, must, in filling out the Form D-1, use the name which appears on his or her birth certificate, baptismal record, voter's registration card, statement certificate of candidacy or nominating petition, or any other name by which the officer is commonly known in the community in which the officer resides. Aliases created for the purpose of filing under Article 9 of the Election Code may not be used.

f) Person or Whoever

- 1) Reference: This subsection Part interprets or applies Section 9-1.6 of the Election Code.
- 2) The terms "other organizations" and "groups of persons" as defined in Section 9-1.6 of the Act shall include, but not by way of limitation: all for-profit and not-for-profit corporations;

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labor unions; trade associations or other such groups; religious organizations; fraternal societies; luncheon and dinner organizations.

g) Political Committee

- 1) Reference: This subsection Part interprets or applies Section 9-1.9 of the Election Code.
- 2) A person or whoever as defined in the Illinois Campaign Financing Act, Section 9-1.6 [10 ILCS 5/9-1.6] and as defined in Section 100-10 (b) of this Part does not qualify as a political committee pursuant to the Illinois Campaign Financing Act by simply making a contribution from his or her personal income or profits regardless of the amount of the donations.
- 3) If a person or whoever solicits or receives funds for political purposes or acts as a conduit for political funds, he or she would, in fact, become a political committee and have to comply with all provisions of the Illinois Campaign Financing Act.

b) Signature

- 1) Reference: This subsection interprets or applies to Sections 9-4, 9-12 and 9-14 of the Election Code.
- 2) The term "signature" or "signed" as used in Article 9 of the Election Code, and as used in the rules and regulations implementing the Election Code includes electronic signatures attached and made a part of electronic records submitted to the State Board of Elections pursuant to Section 9-28 of the Election Code.

(Source: Amended at 24 Ill. Reg. 14214, effective 3/1/2000)

Section 100.20 Official Forms

- a) Reference: This Section interprets or applies Sections 9-10(a) and Section 9-15(1) of the Election Code.
- b) Political committees are required to use only the official forms or photostatic copies of official forms and appropriate schedules approved by the State Board of Elections when filing any disclosure reports except as otherwise permitted under Section 100.80. Alternative methods of reporting are prohibited unless prior written approval has been received by the political committee from the State Board of Elections. Prior written approval will be given based on the compatibility of alternative methods with the Board's present system.

(Source: Amended at 24 Ill. Reg. 14214, effective 3/1/2000)

Section 100.40 Vacancies in Office - Custody of Records

Reference: This Section interprets or applies Sections 9-2, 9-5, 9-7,

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9-7.5, 9-10 and 9-15 of the Election Code.

a) Death

Upon the death of the treasurer of a committee, the candidate or, if such candidate is unable or unwilling to act, the remaining officers of the committee shall appoint a new treasurer and so amend the Statement of Organization (Form D-1) within 10 days after the date of death of the treasurer. In the event there is no candidate or remaining officers of the committee, the person or persons who succeed to the interests of the committee in its funds shall be responsible for filing all appropriate reports until such time as new officers are chosen or the committee terminates.

b) Removal from Office

In the case of a single candidate related committee whose officers were originally named by the candidate, the candidate shall have the right to remove any and all officers of his committee, provided such removal be done in writing and that the candidate comply with all requirements of the Act in the absence of officers for his candidate related committee. If a candidate removes from office any or all officers of his committee, all records related to the committee shall be maintained by the candidate. If former officers request, he shall allow them access to records and provide reasonable opportunity to make copies.

c) Resignation

If the treasurer and all other officers resign and no new officers are appointed, the former treasurer and officers or, in the case of candidate related committees, the candidate shall be responsible for terminating the committee. When an individual vacates the position of treasurer, he shall verify the accuracy of his or her records to the succeeding treasurer. The succeeding treasurer shall not be held responsible for the veracity or accuracy of the records of the predecessors.

d) Inability to Sign

All reports shall be verified, dated and signed by either the treasurer of the political committee making the statement or the candidate on whose behalf the statement is made. However, should it be impossible for the political committee to obtain the signature of the treasurer or candidate prior to the filing deadline, then another may sign for the treasurer, provided that the treasurer submits a letter within 30 days of the filing indicating that such substituted signature is authorized and the treasurer accepts responsibility as if he had signed. The substituted signature shall read, "treasurer's name, by name of person signing". If the treasurer failed to submit a letter within 30 days, then the report filed shall be considered a nonfiling.

e) All reports, original reports, and other campaign documents required to be kept by a political committee under Article 9 of the Election Code remain the property of the political committee. No chairman, treasurer, or candidate shall have any proprietary or possessory

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interest in such documents in derogation of the rights of the committee itself.

f) If any political committee changes any officers, all records, statements and reports in the possession of the outgoing officers shall be transferred within 10 days following such change to the person or persons newly responsible for the maintenance of those records and/or the filing of reports.

g) If any outgoing officer fails to turn over the records in his or her care to a successor, in accord with this Section, or if any officer attempts to withhold records from other officers of the committee, the committee chairman, the treasurer, or the candidate may file a complaint before the Board requesting a turnover order.

h) A committee which fails to preserve its records and accounts required by Section 9-7 of the Election Code, or by this Part, for the periods required by statute or rule may be required to reconstruct its records and accounts if doing so is necessary to the audit of its records. If a committee is required to reconstruct its records it must pay all of the costs and charges, including bank or accountants fees, for the reconstruction of the records.

(Source: Amended at 24 Ill. Reg. 14214, effective SEP 11 2000)

## Section 100.50 Multiple Filings by State and Local Committees

a) Reference: This Section ~~part~~ interprets or applies Sections 9-3 and 9-10 of the Election Code.

b) A political committee that acts as both a State state political committee and local political committee shall file each original Statement of Organization, Form D-1, and any other appropriate reports with the State Board of Elections, and shall file a copy of each and any other appropriate reports with the county clerk.

c) Any State state committee that elects to support or oppose any local candidate or a question of public policy and exceeds an aggregate amount of \$3000 \$1-\$999 for local candidates or a question of public policy shall file an amended Statement of Organization, Form D-1, indicating that they are now a State state and local committee and shall comply with all local filing requirements. In the event the State state and local committee ceases to support local candidates, they shall file an amended D-1 indicating that they are now a state political committee and shall submit a letter to the county clerk informing him that they will no longer be active in that county.

d) Any local committee that elects to support or oppose any State state candidate or a question of public policy and exceeds an aggregate amount of \$3000 \$1-\$999 for State state candidates or \$3000 \$1-\$999 for a question of public policy shall file an amended Statement of Organization, Form D-1, indicating that they are now a State state and local committee and shall comply with all State state filing

## STATE BOARD OF ELECTIONS

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requirements. In the event the State state and local committee ceases to support State state candidates, they shall file an amended D-1 indicating that they are now a local political committee and shall submit a letter to the State Board of Elections informing them that they will no longer be active statewide.

(Source: Amended at 24 Ill. Reg. 14214, effective 3/1/2000.)

**Section 100.60 Filing Option for a Federal Political Committee**

- a) Reference: This Section interprets or applies Section 9-15 of the Election Code.
- b) Any "person or whoever" as defined by the Illinois Campaign Financing Act, qualifying as a political committee under such Act, may choose to comply with the provisions of the Illinois Campaign Financing Act by simultaneously filing all Federal Election Commission reports with either the State Board of Elections, County Clerk, or both, as the case may be.
- c) A political committee may choose to file reports pursuant to this regulation, either by amendment or for the first time, by stating on Part 56 of the Statement of Organization (Form D-1) the following, "Campaign financing reports will be filed pursuant to Section 100.60, Campaign Financing Regulations, State Board of Elections."
- d) A political committee filing reports pursuant to this regulation for the first time shall additionally file a copy of its last regular report on file with the Federal Election Commission.
- e) A federal political committee, also qualifying as a state political committee under the Illinois Campaign Financing Act, shall simultaneously file a copy of all Federal Election Commission reports with the State Board of Elections.
- f) A federal political committee, also qualifying as a local political committee under the Illinois Campaign Financing Act, shall simultaneously file a copy of all Federal Election Commission reports with the local county clerk and the State Board of Elections.
- g) This regulation shall not authorize any person to receive or expend in Illinois an anonymous contribution on behalf of or in opposition to a candidate covered by the Illinois Campaign Financing Act, or in support of or in opposition to a question of public policy.

(Source: Amended at 24 Ill. Reg. 14214, effective 3/1/2000.)

**Section 100.70 Reports of Contributions and Expenditures**

- a) Reference: This Section interprets or applies Sections Section 9-10, 9-13, and 9-14 of the Election Code.
- b) For purposes of determining the amount of contributions of \$500 or

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more under Section 9-10(b-5) of the Act, all contributions received between the last date of the period covered by the last report filed prior to the election and the election from a single person, as defined in Section 9-1.6, shall be aggregated and treated as one.

- c) An expenditure to a payee who is in whole or in part only a conduit for payment to another, such as a political consultant or a credit card issuer, must include by way of detail or separate entry the amount of funds passing to each vendor, business entity or person to receive funds from the payment, together with the reason for each such disbursement and the beneficiary of the disbursement. Nothing in this Section shall be construed to impose a reporting obligation on any person not otherwise required to report under Article 9 of the Election Code, or to require the itemization of expenditures not otherwise required to be itemized under Article 9 of the Election Code.
- d) A committee which, having filed a Statement of Non-Participation, makes a subsequent contribution to a candidate who will appear on the ballot at the next election shall file a Pre-Election Report within five days after making the contribution, or if the contribution is made during the five days immediately prior to the election, within 24 hours after making the contribution.

(Source: Amended at 24 Ill. Reg. 14214, effective 3/1/2000.)

**Section 100.80 Report Forms**

- a) Reference: This Section part interprets or applies Sections 9-13, 9-14 and Section 9-16 of the Election Code.
- b) All reports submitted by political committees pursuant to the Act shall either be typed or printed legibly in black ink.
- c) Computer sheets filed in lieu of forms or schedules shall not exceed 8 1/2" x 14". They shall be rejected if not camera ready.

(Source: Amended at 24 Ill. Reg. 14214, effective 3/1/2000.)

**Section 100.90 Provision Circumvention**

- a) Reference: This Section part interprets or applies Section 9-26 of the Election Code.
- b) The State Board of Elections will view any attempt to circumvent the clear intentions of the Act by means of subterfuge as violations of the Act.
- c) Examples of such circumvention would be:
  - 1) A person or whoever organizes ten separate committees and then directs the treasurers of those committees not to accept or expend more than \$3000 \$47000;

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- 2) A candidate sets up multiple committees for the primary purpose of avoiding the itemization requirements of the Act;
- 3) A person or whoever organizes a committee to elect Joe Doe for State Senator. He then terminates the committee and organizes a new committee called the All Illinois Committee to Elect Joe Doe for State Senator and has as his primary purpose the intent to raise campaign funds in this manner to avoid disclosure of contributors.

(Source: Amended at 24 Ill. Reg. 14.214, effective SEP 11 2000)

## Section 100.100 Proof of Identification; Application for Inspection and Copying (Repealed)

- a) Reference---This Section interprets or applies Section 9-15-i-of-the Election Code;
- b) Every person requesting to examine a statement or report must file a Request for Inspection, Form B-3, either in the Springfield or Chicago office and must provide proof of identity if the request is made in person---Public inspection of documents is available at both offices during regular business hours---Request for inspection of local political committees must be filled out in person in the office of the appropriate county clerk and that person must provide proof of identity;

- c) Application to inspect and copy statements and reports may be made by mail by submitting a request for inspection form accompanied by a signature of the applicant verified in a form acceptable under Section 3-189 of the Code of Civil Procedure (Ill. Rev. Stat. 1987, ch. 118, pars. 1-10) et seq. 77 and by paying the appropriate fee pursuant to 26 Ill. Admin. Code 155.7 Appendix B provided that requests submitted by a government agency either a federal, state or local need not be acknowledged if accompanied by a statement on stationary bearing the Agency letterhead and that the request is made for an lawful official purposes---Application forms will be furnished in blank to persons who request them by telephone or in writing;

- d) Examples of proof of identification would be:

- 1) drivers license  
2) student identification  
3) employee identification

(Source: Repealed at 24 Ill. Reg. 14.214, effective SEP 11 2000)

## Section 100.110 Loans by One Political Committee to Another

- a) If a political committee lends or donates funds to a second political committee while the lending or donating committees owes the State

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Board of Elections a civil penalty assessed under the provisions of Section 9-10, 9-23, or 9-26 of the Election Code [10 ICS 5/9-10, 9-23, 9-26], the officers of the lending committee shall be jointly and severally personally liable to the extent allowed by law for payment of the civil penalty to the extent of the funds loaned or given.

- b) If a political committee goes out of existence while it owes the State Board of Elections a civil penalty assessed under Section 9-10, 9-23, or 9-26 of the Election Code [10 ICS 5/9-10, 9-23, 9-26], any political committee formed within 24 12 months from the date of the final order imposing a civil penalty assessment on dissolution the first committee and composed of one or more of the same officers, or for the same purpose or for the support of the candidacy of the same person, irrespective of office, as the first committee, shall be deemed a successor committee and shall be responsible for payment of the civil penalty of the first committee.

- c) A political committee which seeks to go out of existence while it is owed money by another political committee must first forgive the debt of the debtor political committee and must amend its reports to show the forgiven debt as a contribution to the debtor committee.

- d) If a political committee seeks to go out of existence after a civil penalty has been imposed upon it pursuant to the Election Code and the rules promulgated thereunder 16-111-Adm-Code-125-425, or if a civil penalty has been assessed by Board staff and such a proceeding under Section 125-425 is begun or about to begin, the political committee must first pay such civil penalty, or if it lacks sufficient funds to pay such civil penalty in full, pay over to the State Board of Elections such sums as it has in its treasury in satisfaction of the civil penalty. Only upon such payment of the civil penalty, either in full or in part as the case may be, shall the committee be permitted to exit the reporting system established by Article 9 of the Illinois Election Code [10 ICS 5/Art. 9].

(Source: Amended at 24 Ill. Reg. 14.214, effective SEP 11 2000)



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

1) **Heading of the Part:** Primary Drinking Water Standards2) **Code citation:** 35 Ill. Adm. Code 6113) **Section Numbers:** **Proposed Action:**

611.102 Amend  
 611.310 Amend  
 611.359 Amend  
 611.490 Amend  
 611.526 Amend  
 611.531 Amend  
 611.611 Amend  
 611.612 Amend  
 611.645 Amend  
 611.646 Amend

4) **Statutory authority:** 415 ILCS 5/7.2, 17, 17.5, and 27.5) **Effective date:** September 11, 20006) **Does this rulemaking contain an automatic repeal date?** No

7) **Do these amendments contain incorporations by reference?** Yes. The existing rules include a number of incorporations by reference. The present amendments include a routine periodic update to the version of some of the federal documents incorporated by reference. Finally, the present amendments include new documents incorporated by reference.

8) **Statement of Availability:** The adopted amendments, a copy of the Board's opinion and order adopted August 24, 2000, and all materials incorporated by reference are on file at the Board's Chicago office and are available for public inspection and copying.

9) **Notice of proposal published in Illinois Register:** June 30, 2000, 24 Ill Reg. 8728.

10) Has JCAR issued a Statement of Objections to these rules? No. Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

11) **Differences between proposal and final version:**

Revisions to the Text of the Proposed Amendments in Final Adoption

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## NOTICE OF ADOPTED AMENDMENTS

## Source(s) of Revision(s)

Deleted "(See Environmetrics, Inc.)"

Changed "Water Works" to "Waterworks"

Added parenthesis to "(ATI Orion)"

Capitalized "Complexometric"

Deleted "ASTM Method D2459-72, 'Standard Test Method for Gamma Spectrometry in Water,' approved July 28, 1972, discontinued 1988."

Did not amend "1995" in the Board Note to "Technical Notes on Drinking Water Methods", BPA-600/R-94-173

Did not add "40 CFR 141.40(a)(3) Table 1, Lists 1, 2, and 3 (1999), 40 CFR 141.40(a)(4) Table 2 (1999), and 40 CFR 141.40(a)(5) Table 3 (1999)"

Changed "Section 611.641 et seq." to "Subpart O of this Part"

Removed proposed Section

Removed proposed Section

Changed "false negative" to "false-negative"

Did not strike "ug" and add "mg" (four times)

Changed "analysis" to "analyses"

Capitalized "Autoanalysis Colilert System"

Added "19th ed."

Deleted redundant "Method"

## POLLUTION CONTROL BOARD

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- 611.611(a)(16) Agency, USEPA Changed "D3559-90 D" to "D3559-95 D"
- 611.611(a)(17) Agency, USEPA Changed "D1688-90 C" to "D1688-95 C"
- 611.611(a)(19) Agency, USEPA Changed "D1125-91 A" to "D1125-95 A"
- 611.611(a)(22)(F) Agency, USEPA Changed "4110" to "4110 B"
- 611.611(a)(23)(C) Agency, USEPA Changed "D859-88" to "D859-95"
- 611.611(b)(2) Agency, USEPA Added (C): "Samples must be analyzed as soon after collection as possible, but in any event within 6 months."
- 611.611(b)(11) Agency, USEPA Changed "28 days" to "14 days"
- 611.611(c)(1) JCAB, Board Changed "35 Ill. Adm. Code 183.125(c)" which has been repealed, to "35 Ill. Adm. Code Part 186"
- 611.611 Board Note JCAB, Board Deleted the Board Note
- 611.645 USEPA Changed TTHM Method "551" to "551.1"
- 611.646(d) JCAB, Board Deleted redundant "compliance period starting in the"
- 611.646(k)(2) JCAB Added "shall be required"
- 611.646(k)(2)(A) JCAB Changed "annual" to "annually"
611. Appendix I Agency Removed proposed Section

12) Have all the changes agreed upon by the Board and JCAB been made as indicated in the agreements issued by JCAB? Section 17.5 of the Environmental Protection Act (415 ILCS 5/17.5 (1998)) provides that Section 5-35 of the Administrative Procedure Act (APA) (5 ILCS 100/5-35 (1998)) shall not apply. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to first notice or to second notice review by JCAB.

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- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and purpose of Docket R00-10: A more detailed description is contained in the Board's opinion and order of August 24, 2000 in Docket R00-10, which opinion and order is available from the address below.
- The R00-10 proceeding updates the Board's SDWA drinking water regulations to correspond with amendments adopted by USEPA that appeared in the Federal Register during the period July 1, 1999, through December 31, 1999.
- Specifically, the amendments to 35 Ill. Adm. Code Part 611 includes new analytical methods approved for use in demonstrating compliance with the SDWA requirements.
- 16) Information and questions regarding these adopted rules shall be directed to:
- Steven C. Langhoff  
Attorney  
Illinois Pollution Control Board  
600 S. Second Street, Suite 402  
Springfield IL 62704  
217/782-2615

Request copies of the Board's opinion and order of Docket R00-10 from Patricia Jones, at 312/814-3620, or copies may be obtained from the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

The full text of the adopted amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE F: PUBLIC WATER SUPPLIES  
CHAPTER I: POLLUTION CONTROL BOARD

## PART 611

## PRIMARY DRINKING WATER STANDARDS

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Section	Purpose, Scope and Applicability
611.100	Definitions
611.101	Incorporations by Reference
611.102	Severability
611.103	Agency Inspection of PWS Facilities
611.108	Delegation to Local Government
611.109	Enforcement
611.110	Special Exception Permits
611.111	Relief Equivalent to SDWA Section 1415(a) Variances
611.112	Relief Equivalent to SDWA Section 1416 Exemptions
611.113	Alternative Treatment Techniques
611.114	Siting Requirements
611.115	Source Water Quantity
611.120	Effective dates
611.121	Maximum Contaminant Levels and Finished Water Quality
611.125	Fluoridation Requirement
611.126	Prohibition on Use of Lead
611.130	Special Requirements for Certain Variances and Adjusted Standards
611.131	Relief Equivalent to SDWA Section 1415(e) Small System Variance
611.160	Composite Correction Program

## SUBPART B: FILTRATION AND DISINFECTION

Section	Requiring a Demonstration
611.201	Procedures for Agency Determinations
611.202	Filtration Required
611.211	Groundwater under Direct Influence of Surface Water
611.212	No Method of HPC Analysis
611.213	General Requirements
611.220	Filtration Effective Dates
611.231	Source Water Quality Conditions
611.232	Site-specific Conditions
611.233	Treatment Technique Violations
611.240	Disinfection
611.241	Unfiltered PWSs
611.242	Filtered PWSs
611.250	Filtration

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Unfiltered PWSs: Reporting and Recordkeeping  
611.262 Filtered PWSs: Reporting and Recordkeeping  
611.271 Protection during Repair Work  
611.272 Disinfection following Repair

## SUBPART C: USE OF NON-CENTRALIZED TREATMENT DEVICES

Section	Point-of-Entry Devices
611.280	Use of Point-of-Use Devices or Bottled Water
611.290	

## SUBPART D: TREATMENT TECHNIQUES

Section	General Requirements
611.295	Acrylamide and Epichlorohydrin
611.296	Corrosion Control
611.297	

## SUBPART F: MAXIMUM CONTAMINANT LEVELS (MCLs) AND MAXIMUM RESIDUAL DISINFECTANT LEVELS (MRDLs)

Section	Old MCLs for Inorganic Chemicals
611.300	Revised MCLs for Inorganic Chemicals
611.301	Old Maximum Contaminant Levels (MCLs) for Organic Chemicals
611.310	Revised MCLs for Organic Contaminants
611.311	Maximum Contaminant Levels (MCLs) for Disinfection Byproducts (DBPs)
611.312	Maximum Residual Disinfectant Levels (MRDLs)
611.313	Turbidity
611.320	Microbiological Contaminants
611.325	Radon and Gross Alpha Particle Activity
611.330	Beta Particle and Photon Radioactivity
611.331	

## SUBPART G: LEAD AND COPPER

Section	General Requirements
611.350	Applicability of Corrosion Control
611.351	Corrosion Control Treatment
611.352	Source Water Treatment
611.353	Lead Service Line Replacement
611.354	Public Education and Supplemental Monitoring
611.355	Tap Water Monitoring for Lead and Copper
611.356	Monitoring for Water Quality Parameters
611.357	Monitoring for Lead and Copper in Source Water
611.358	Analytical Methods
611.359	Reporting
611.360	Recordkeeping
611.361	

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SUBPART I: DISINFECTANT RESIDUALS, DISINFECTION BYPRODUCTS, AND  
DISINFECTION BYPRODUCT PRECURSORS

Section	
611.380	General Requirements
611.381	Analytical Requirements
611.382	Monitoring Requirements
611.383	Compliance Requirements
611.384	Reporting and Recordkeeping Requirements
611.385	Treatment Technique for Control of Disinfection Byproduct (DBP) Precursors

## SUBPART K: GENERAL MONITORING AND ANALYTICAL REQUIREMENTS

Section	
611.480	Alternative Analytical Techniques
611.490	Certified Laboratories
611.491	Laboratory Testing Equipment
611.500	Consecutive PWS
611.510	Special Monitoring for Unregulated Contaminants

## SUBPART L: MICROBIOLOGICAL MONITORING AND ANALYTICAL REQUIREMENTS

Section	
611.521	Routine Coliform Monitoring
611.522	Repeat Coliform Monitoring
611.523	Invalidation of Total Coliform Samples
611.524	Sanitary Surveys
611.525	Fecal Coliform and E. Coli Testing
611.526	Analytical Methodology
611.527	Response to Violation
611.531	Analytical Requirements
611.532	Unfiltered PWS
611.533	Filtered PWS

## SUBPART M: TURBIDITY MONITORING AND ANALYTICAL REQUIREMENTS

Section	
611.560	Turbidity

## SUBPART N: INORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

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611.591	Violation of State MCL
611.592	Frequency of State Monitoring
611.600	Applicability
611.601	Monitoring Frequency
611.602	Asbestos Monitoring Frequency

611.603	Inorganic Monitoring Frequency
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611.605	Nitrite Monitoring
611.606	Confirmation Samples
611.607	More Frequent Monitoring and Confirmation Sampling
611.608	Additional Optional Monitoring
611.609	Determining Compliance
611.610	Inorganic Monitoring Times
611.611	Inorganic Analysis
611.612	Monitoring Requirements for Old Inorganic MCLs
611.630	Special Monitoring for Sodium
611.631	Special Monitoring for Inorganic Chemicals

## SUBPART O: ORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

Section	
611.640	Definitions
611.641	Old MCLs
611.645	Analytical Methods for Organic Chemical Contaminants
611.646	Phase I, Phase II, and Phase V Volatile Organic Contaminants
611.647	Sampling for Phase I Volatile Organic Contaminants (Repealed)
611.648	Phase II, Phase IIB, and Phase V Synthetic Organic Contaminants
611.650	Monitoring for 36 Contaminants (Repealed)
611.657	Analytical Methods for 36 Contaminants (Repealed)
611.658	Special Monitoring for Organic Chemicals

## SUBPART P: TEM MONITORING AND ANALYTICAL REQUIREMENTS

Section	
611.680	Sampling, Analytical and other Requirements
611.683	Reduced Monitoring Frequency
611.684	Averaging
611.685	Analytical Methods
611.686	Modification to System
611.687	Sampling for TEM Potential
611.688	Applicability Dates

## SUBPART Q: RADIOLOGICAL MONITORING AND ANALYTICAL REQUIREMENTS

Section	
611.720	Analytical Methods
611.731	Gross Alpha
611.732	Mannade Radioactivity

## SUBPART R: ENHANCED FILTRATION AND DISINFECTION

Section	
611.740	General Requirements

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611.741	Standards for Avoiding Filtration
611.742	Disinfection Profiling and Benchmarking
611.743	Filtration Sampling Requirements
611.744	Reporting and Recordkeeping Requirements
611.745	

## SUBPART T: REPORTING, PUBLIC NOTIFICATION AND RECORDKEEPING

Section	
611.830	Applicability
611.831	Monthly Operating Report
611.832	Notice by Agency
611.833	Cross Connection Reporting
611.840	Reporting
611.841	Reporting WCL, MRDL, and other Violations
611.851	Reporting other Violations
611.852	Notice to New Billing Units
611.853	General Content of Public Notice
611.854	Mandatory Health Effects Language
611.855	Fluoride Notice
611.856	Fluoride Secondary Standard
611.858	Record Maintenance
611.860	List of 36 Contaminants
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## SUBPART U: CONSUMER CONFIDENCE REPORTS

Section	
611.881	Purpose and Applicability of this Subpart
611.882	Compliance Dates
611.883	Content of the Reports
611.884	Required Additional Health Information
611.885	Report Delivery and Recordkeeping

APPENDIX A	Mandatory Health Effects Information
APPENDIX B	Percent Inactivation of G. Lamblia Cysts
APPENDIX C	Common Names of Organic Chemicals
APPENDIX D	Defined Substrate Method for the Simultaneous Detection of Total Coliforms and Escherichia Coli from Drinking Water
APPENDIX E	Mandatory Lead Public Education Information
APPENDIX F	Converting Maximum Contaminant Level (MCL) Compliance Values for Consumer Confidence Reports
APPENDIX G	Regulated Contaminants
APPENDIX H	Health Effects Language
TABLE A	Total Coliform Monitoring Frequency
TABLE B	Fecal or Total Coliform Density Measurements
TABLE C	Frequency of ROC Measurement
TABLE D	Number of Lead and Copper Monitoring Sites
TABLE E	Lead and Copper Monitoring Start Dates

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TABLE F	Number of Water Quality Parameter Sampling Sites
TABLE G	Summary of Monitoring Requirements for Water Quality Parameters(1)
TABLE Z	Federal Effective Dates

AUTHORITY: Implementing Sections 7.2, 17, and 17.5 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 17, 17.5, and 27].

SOURCE: Adopted in R88-26 at 14 Ill. Reg. 16517, effective September 20, 1990; amended in R90-21 at 14 Ill. Reg. 20448, effective December 11, 1990; amended in R90-13 at 15 Ill. Reg. 1562, effective January 22, 1991; amended in R91-3 at 16 Ill. Reg. 19010, effective December 1, 1992; amended in R92-3 at 17 Ill. Reg. 7796, effective May 18, 1993; amended in R93-1 at 17 Ill. Reg. 12650, effective July 23, 1993; amended in R94-4 at 18 Ill. Reg. 12291, effective July 28, 1994; amended in R94-23 at 19 Ill. Reg. 8613, effective June 20, 1995; amended in R95-17 at 20 Ill. Reg. 14493, effective October 22, 1996; amended in R98-2 at 22 Ill. Reg. 5020, effective March 5, 1998; amended in R99-6 at 23 Ill. Reg. 2756, effective February 17, 1999; amended in R99-12 at 23 Ill. Reg. 10348, effective August 11, 1999; amended in R00-8 at 23 Ill. Reg. 14715, effective December 8, 1999; amended in R00-10 at 24 Ill. Reg. ~~14226~~, effective ~~11/1/2000~~.

NOTE: In the chemical notations and footnotes in this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets; SUM means the summation series or sigma function as used in mathematics; and u (in ug) is substituted for the Greek symbol mu.

## SUBPART A: GENERAL

## Section 611.102 Incorporations by Reference

a) Abbreviations and short-name listing of references. The following names and abbreviated names, presented in alphabetical order, are used in this Part to refer to materials incorporated by reference:

"Amco-APBA-1 Polymer" is available from Advanced Polymer Systems.

"ASTM Method" means a method published by and available from the American Society for Testing and Materials (ASTM).

"Colisure Test" means "Colisure Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia Coli in Drinking Water", available from Millipore Corporation, Technical Services Department.

"Dioxin and Furan Method 1613" means "Tetra- through Octa-Chlorinated Dioxins and Furans by Isotope-Dilution HPLC/HPLC", available from NIOS.



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"GLI Method 2" means GLI Method 2, "Turbidity", Nov. 2, 1992, available from Great Lakes Instruments, Inc.

"Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems Using Surface Water Sources", available from USEPA Science and Technology Branch.

"HASL Procedure Manual" means HASL Procedure Manual, HASL 300, available from ERDA Health and Safety Laboratory.

"Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure", NCRP Report Number 22, available from NCRP.

"NCRP" means "National Council on Radiation Protection".

"NTIS" means "National Technical Information Service".

"New Jersey Radium Method" means "Determination of Radium 228 in Drinking Water", available from the New Jersey Department of Environmental Protection.

"New York Radium Method" means "Determination of Ra-226 and Ra-228 (Ra-02)", available from the New York Department of Public Health.

"ONGP-WUG Test" (meaning "minimal medium ortho-nitrophenyl-beta-D-galactopyranoside-4-methyl-umbelliferyl-beta-D-glucuronide test"), also called the "Autoanalysis Coilert System", is Method 9223, available in "Standard Methods for the Examination of Water and Wastewater", 18th ed., from American Public Health Association.

"Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions", available from NTIS.

"Radiochemical Methods" means "Interim Radiochemical Methodology for Drinking Water", available from NTIS.

"Standard Methods", means "Standard Methods for the Examination of Water and Wastewater", available from the American Public Health Association or the American Waterworks Association.

"Technical Bulletin 601" means "Technical Bulletin 601, Standard Method of Testing for Nitrate in Drinking Water", July 1994, available from Analytical Technology, Inc.

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"Technicon Methods" means "Fluoride in Water and Wastewater", available from Technicon.

"USDOE Manual" means "EML Procedures Manual", available from the United States Department of Energy.

"USEPA Asbestos Methods-100.1" means Method 100.1, "Analytical Method for Determination of Asbestos Fibers in Water", available from NTIS.

"USEPA Asbestos Methods-100.2" means Method 100.2, "Determination of Asbestos Structures over 10-mm in Length in Drinking Water", available from NTIS.

"USEPA Environmental Inorganics Methods" means "Methods for the Determination of Inorganic Substances in Environmental Samples", available from NTIS; "Methods for the Determination of Inorganic Substances in Environmental Samples", August 1993, for Method 300.0; "Determination of Inorganic Anions in Drinking Water by Ion Chromatography, Revision 1.0", 1997, for Method 300.1.

"USEPA Environmental Metals Methods" means "Methods for the Determination of Metals in Environmental Samples", available from NTIS.

"USEPA Organic Methods" means "Methods for the Determination of Organic Compounds in Drinking Water", July 1991, for Methods 502.2, 505, 507, 508, 508A, 515.1, and 531.1; "Methods for the Determination of Organic Compounds in Drinking Water--Supplement I", July 1990, for Methods 506, 547, 550, 550.1, and 551; and "Methods for the Determination of Organic Compounds in Drinking Water--Supplement II", August 1992, for Methods 515.2, 524.2, 548.1, 549.1, 552.1, and 555, available from NTIS. Methods 504.1, 508.1, and 525.2 are available from EPA EMSL; "Methods for the Determination of Organic Compounds" in Drinking Water--Supplement II, August 1992, for Method 552.1; "Methods for the Determination of Organic Compounds in Drinking Water--Supplement III", August 1995, for Methods 502.2, 524.2, 551.1, and 552.2.

"USEPA Interim Radiochemical Methods" means "Interim Radiochemical Methodology for Drinking Water", EPA 600/4-75-008 (revised), March 1976. Available from NTIS.

"USEPA Radioactivity Methods" means "Prescribed Procedures for Measurement of Radioactivity in Drinking Water", EPA 600/4-80-032, August 1980. Available from NTIS.

"USEPA Radiochemical Analyses" means "Radiochemical Analytical

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Procedures for Analysis of Environmental Samples", March 1979. Available from NTIS.

"USEPA Radiochemistry Methods" means "Radiochemistry Procedures Manual", EPA 520/5-84-006, December 1987. Available from NTIS.

"USEPA Technical Notes" means "Technical Notes on Drinking Water Methods", available from NTIS.

"USGS Methods" means "Methods of Analysis by the U.S. Geological Survey National Water Quality Laboratory--Determination of Inorganic and Organic Constituents in Water and Fluvial Sediments", available from NTIS and USGS.

"Waters Method B-101" means "Waters Test Method for the Determination of Nitrite/Nitrate in Water Using Single Column Ion Chromatography", available from Millipore Corporation, Waters Chromatography Division.

b) The Board incorporates the following publications by reference:

Access Analytical Systems, Inc. (See-Environment-inc.)

Advanced Polymer Systems, 3696 Haven Avenue, Redwood City, CA 94063 415-366-2626:

Amco-AEPA-1 Polymer. See 40 CFR 141.22(a) (1993/98). Also, as referenced in ASTM D1889.

American Public Health Association, 1015 Fifteenth Street NW, Washington, DC 20005 800-645-5476:

"Standard Methods for the Examination of Water and Wastewater", 17th Edition, 1989 (referred to as "Standard Methods, 17th ed.").

"Standard Methods for the Examination of Water and Wastewater", 18th Edition, 1992, including "Supplement to the 18th Edition of Standard Methods for the Examination of Water and Wastewater", 1994 (collectively referred to as "Standard Methods, 18th ed."). See the methods listed separately for the same references under American Waterworks Water-Works Association.

"Standard Methods for the Examination of Water and Wastewater", 19th Edition, 1995 (referred to as "Standard Methods, 19th ed.").

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American Waterworks Association et al., 6666 West Quincy Ave., Denver, CO 80235 303-794-7711:

Standard Methods for the Examination of Water and Wastewater", 13th Edition, 1971 (referred to as "Standard Methods, 13th ed.").

Method 302, Gross Alpha and Gross Beta Radioactivity in Water (Total, Suspended and Dissolved).

Method 303, Total Radioactive Strontium and Strontium 90 in Water.

Method 304, Radium in Water by Precipitation.

Method 305, Radium 226 by Radon in Water (Soluble, Suspended and Total).

Method 306, Tritium in Water.

Standard Methods for the Examination of Water and Wastewater, 18th Edition, 1992 (referred to as "Standard Methods, 18th ed."):

Method 2130 B, Turbidity, Nephelometric Method.

Method 2320 B, Alkalinity, Titration Method.

Method 2510 B, Conductivity, Laboratory Method.

Method 2550, Temperature, Laboratory and Field Methods.

Method 3111 B, Metals by Flame Atomic Absorption Spectrometry, Direct Air-Acetylene Flame Method.

Method 3111 D, Metals by Flame Atomic Absorption Spectrometry, Direct Nitrous Oxide-Acetylene Flame Method.

Method 3112 B, Metals by Cold-Vapor Atomic Absorption Spectrometry, Cold-Vapor Atomic Absorption Spectrometric Method.

Method 3113 B, Metals by Electrothermal Atomic Absorption Spectrometry, Electrothermal Atomic Absorption Spectrometric Method.

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Method 3114 B, Metals by Hydride Generation/Atomic Absorption Spectrometry, Manual Hydride Generation/Atomic Absorption Spectrometric Method.

Method 3120 B, Metals by Plasma Emission Spectroscopy, Inductively Coupled Plasma (ICP) Method.

Method 3500-Ca D, Calcium, EDTA Titrimetric Method.

Method 4110 B, Determination of Anions by Ion Chromatography, Ion Chromatography with Chemical Suppression of Eluent Conductivity.

Method 4500-CN(-) C, Cyanide, Total Cyanide after Distillation.

Method 4500-CN(-) E, Cyanide, Colorimetric Method.

Method 4500-CN(-) F, Cyanide, Cyanide-Selective Electrode Method.

Method 4500-CN(-) G, Cyanide, Cyanides Amenable to Chlorination after Distillation.

Method 4500-ClO(2) C, Chlorine Dioxide, Amperometric Method I.

Method 4500-F(-) B, Fluoride, Preliminary Distillation Step.

Method 4500-F(-) C, Fluoride, Ion-Selective Electrode Method.

Method 4500-F(-) D, Fluoride, SPADNS Method.

Method 4500-F(-) E, Fluoride, Complexone Method.

Method 4500-H(+) B, pH Value, Electrometric Method.

Method 4500-NO(2)(-) B, Nitrogen (Nitrite), Colorimetric Method.

Method 4500-NO(3)(-) D, Nitrogen (Nitrate), Nitrate Electrode Method.

Method 4500-NO(3)(-) E, Nitrogen (Nitrate), Cadmium Reduction Method.

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Method 4500-NO(3)(-) F, Nitrogen (Nitrate), Automated Cadmium Reduction Method.

Method 4500-O(3) B, Ozone (Residual) (Proposed), Indigo Colorimetric Method.

Method 4500-P E, Phosphorus, Ascorbic Acid Method.

Method 4500-P F, Phosphorus, Automated Ascorbic Acid Reduction Method.

Method 4500-Si D, Silica, Molybdosilicate Method.

Method 4500-Si E, Silica, Heteropoly Blue Method.

Method 4500-Si F, Silica, Automated Method for Molybdate-Reactive Silica.

Method 4500-SO(4)(2-) C, Sulfate, Gravimetric Method with Ignition of Residue.

Method 4500-SO(4)(2-) D, Sulfate, Gravimetric Method with Drying of Residue.

Method 4500-SO(4)(2-) F, Sulfate, Automated Methylthymol Blue Method.

Method 6610, Carbamate Pesticide Method.

Method 6651, Glyphosate Herbicide (Proposed).

Method 7110 B, Gross Alpha and Beta Radioactivity (Total, Suspended, and Dissolved), Evaporation Method for Gross Alpha-Beta.

Method 7110 C, Gross Alpha and Beta Radioactivity (Total, Suspended, and Dissolved), Coprecipitation Method for Gross Alpha Radioactivity in Drinking Water (Proposed).

Method 7500-Cs B, Radioactive Cesium, Precipitation Method.

Method 7500-3H, B, Tritium, Liquid Scintillation Spectrometric Method

Method 7500-I B, Radioactive Iodine, Precipitation Method.

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Method 7500-I C, Radioactive Iodine, Ion-Exchange Method.

Method 7500-I D, Radioactive Iodine, Distillation Method.

Method 7500-Ra B, Radium, Precipitation Method.

Method 7500-Ra C, Radium, Emanation Method.

Method 7500-Ra D, Radium, Sequential Precipitation Method (Proposed).

Method 7500-U B, Uranium, Radiochemical Method (Proposed).

Method 7500-U C, Uranium, Isotopic Method (Proposed).

Method 9215 B, Heterotrophic Plate Count, Four Plate Method.

Method 9221 A, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Introduction.

Method 9221 B, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Standard Total Coliform Fermentation Technique.

Method 9221 C, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Estimation of Bacterial Density.

Method 9221 D, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Presence-Absence (P-A) Coliform Test.

Method 922 A, Membrane Filter Technique for Members of the Coliform Group, Introduction.

Method 9222 B, Membrane Filter Technique for Members of the Coliform Group, Standard Total Coliform Membrane Filter Procedure.

Method 9222 C, Membrane Filter Technique for Members of the Coliform Group, Delayed-Incubation Total Coliform Procedure.

Method 9223, Chromogenic Substrate Coliform Test

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(Proposed).

Standard Methods for the Examination of Water and Wastewater, 19th Edition, 1995 (referred to as "Standard Methods, 19th ed."):

Method 7120-B, Gamma Spectrometric Method.

Method 7500-U C, Uranium, Isotopic Method.

Method 4500-Cl D, Chlorine (Residual), Amperometric Titration Method.

Method 4500-Cl E, Chlorine (Residual), Low-Level Amperometric Titration Method.

Method 4500-Cl F, Chlorine (Residual), DPD Ferrous Titrimetric Method.

Method 4500-Cl G, Chlorine (Residual), DPD Colorimetric Method.

Method 4500-Cl H, Chlorine (Residual), Syringaldazine (FACTS) Method.

Method 4500-Cl I, Chlorine (Residual), Iodometric Electrode Technique.

Method 4500-ClO[2] D, Chlorine Dioxide, DPD Method.

Method 4500-ClO[2] E, Chlorine Dioxide, Amperometric Method II.

Method 6251 B, Disinfection Byproducts; Haloacetic Acids and Trichloroethanol, Micro Liquid-Liquid Extraction Gas Chromatographic Method.

Method 5910 B, UV Absorbing Organic Constituents, Ultraviolet Absorption Method.

Supplement to the 19th Edition of Standard Methods for the Examination of Water and Wastewater, American Public Health Association, 1996:

Method 5310 B, TOC, Combustion-Infrared Method.

Method 5310 C, TOC, Persulfate-Ultraviolet Oxidation Method.



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Method 5310 D, TOC, Wet-Oxidation Method.

Analytical Technology, Inc. (ATI) Orion, 529 Main Street, Boston, MA 02129:

Technical Bulletin 601, "Standard Method of Testing for Nitrate in Drinking Water", July, 1994, PN 221890-001 (referred to as "Technical Bulletin 601").

ASTM. American Society for Testing and Materials, 1976 Race Street, Philadelphia, PA 19103 215-299-5585:

ASTM Method D511-93 A and B, "Standard Test Methods for Calcium and Magnesium in Water", "Test Method A--Complexometric complexometric Titration" & "Test Method B--Atomic Absorption Spectrophotometric", approved 1993.

ASTM Method D515-88 A, "Standard Test Methods for Phosphorus in Water", "Test Method A--Colorimetric Ascorbic Acid Reduction", approved August 19, 1988.

ASTM Method D859-88, "Standard Test Method for Silica in Water", approved August 19, 1988.

ASTM Method D1067-92 B, "Standard Test Methods for Acidity or Alkalinity in Water", "Test Method B--Electrometric or Color-Change Titration", approved May 15, 1992.

ASTM Method D1125-91 A, "Standard Test Methods for Electrical Conductivity and Resistivity of Water", "Test Method A--Field and Routine Laboratory Measurement of Static (Non-Flowing) Samples", approved June 15, 1991.

ASTM Method D1179-93 B, "Standard Test Methods for Fluoride in Water", "Test Method B--Ion Selective Electrode", approved 1993.

ASTM Method D1293-84, "Standard Test Methods for pH of Water", "Test Method A--Precise Laboratory Measurement" & "Test Method B--Routine or Continuous Measurement", approved October 26, 1984.

ASTM Method D1688-90 A or C, "Standard Test Methods for Copper in Water", "Test Method A--Atomic Absorption, Direct" & "Test Method C--Atomic Absorption, Graphite Furnace", approved March 15, 1990.

ASTM Method D2036-91 A or B, "Standard Test Methods for

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Cyanide in Water", "Test Method A--Total Cyanides after Distillation" & "Test Method B--Cyanides Amenable to Chlorination by Difference", approved September 15, 1991.

ASTM--Method--B2459-72--"Standard--Test--Method--for--Gamma Spectrometry--in--Water"--approved--July--28,--1972,--discontinued--in--1988:

ASTM Method D2460-90, "Standard Test Method for Radionuclides of Radium in Water", approved 1990.

ASTM Method D2907-91, "Standard Test Methods for Microquantities of Uranium in Water by Fluorometry", "Test Method A--Direct Fluorometric" & "Test Method B--Extraction", approved June 15, 1991.

ASTM Method D2972-93 B or C, "Standard Test Methods for Arsenic in Water", "Test Method B--Atomic Absorption, Hydride Generation" & "Test Method C--Atomic Absorption, Graphite Furnace", approved 1993.

ASTM Method D3223-91, "Standard Test Method for Total Mercury in Water", approved September 23, 1991.

ASTM Method D3454-91, "Standard Test Method for Radium-226 in Water", approved 1991.

ASTM Method D3559-90 D, "Standard Test Methods for Lead in Water", "Test Method D--Atomic Absorption, Graphite Furnace", approved August 6, 1990.

ASTM Method D3645-93 B, "Standard Test Methods for Beryllium in Water", "Method B--Atomic Absorption, Graphite Furnace", approved 1993.

ASTM Method D3649-91, "Standard Test Method for High-Resolution Gamma-Ray Spectrometry of Water", approved 1991.

ASTM Method D3697-92, "Standard Test Method for Antimony in Water", approved June 15, 1992.

ASTM Method D3859-93 A, "Standard Test Methods for Selenium in Water", "Method A--Atomic Absorption, Hydride Method", approved 1993.

ASTM Method D3867-90 A and B, "Standard Test Methods for Nitrite-Nitrate in Water", "Test Method A--Automated Cadmium

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Reduction" & "Test Method B--Manual Cadmium Reduction", approved January 10, 1990.

ASTM Method D3972-90, "Standard Test Method for Isotopic Uranium in Water by Radiochemistry", approved 1990.

ASTM Method D4107-91, "Standard Test Method for Tritium in Drinking Water", approved 1991.

ASTM Method D4327-91, "Standard Test Method for Anions in Water by Ion Chromatography", approved October 15, 1991.

ASTM Method D4785-88, "Standard Test Method for Low-Level Iodine-131 in Water", approved 1988.

ASTM Method D5174-91, "Standard Test Method for Trace Uranium in Water by Pulsed-Laser Phosphorimetry", approved 1991.

ASTM Method D1253-86, "Standard Test Method for Residual Chlorine in Water", reapproved 1992.

ERDA Health and Safety Laboratory, New York, NY:

HASL Procedure Manual, HASL 300, 1973. See 40 CFR 141.25(b)(2) (1999 1998).

Great Lakes Instruments, Inc., 8855 North 55th Street, Milwaukee, WI 53223:

GLI Method 2, "Turbidity", Nov. 2, 1992.

Millipore Corporation, Technical Services Department, 80 Ashby Road, Milford, MA 01730 800-654-5476:

Closure Presence/Absence Test for Detection and Identification of *Coliform Bacteria* and *Escherichia Coli* in Drinking Water, February 28, 1994 (referred to as "Colisure Test").

Millipore Corporation, Waters Chromatography Division, 34 Maple St., Milford, MA 01757 800-252-4752:

Waters Test Method for the Determination of Nitrite/Nitrate in Water Using Single Column Ion Chromatography, Method B-1011 (referred to as "Waters Method B-1011").

NCRP. National Council on Radiation Protection, 7910 Woodmont

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Ave., Bethesda, MD 301-657-2652:

"Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure", NCRP Report Number 22, June 5, 1959.

NSF. National Sanitation Foundation International, 3475 Plymouth Road, PO Box 130140, Ann Arbor, Michigan 48113-0140, 734-769-8010:

NSF Standard 61, section 9, November 1998.

NTIS. National Technical Information Service, U.S. Department of Commerce 5285 Fort Royal Road, Springfield, VA 22161, 703-487-4600 or 800-553-6847:

"Interim Radiochemical Methodology for Drinking Water", EPA 600/4-75-008 (revised), March 1976 (referred to as "USEPA Interim Radiochemical Methods"). (Pages 1, 4, 6, 9, 13, 16, 24, 29, 34)

Method 100.1, "Analytical Method for Determination of Asbestos Fibers in Water", EPA-600/4-83-043, September, 1983, Doc. No. PB83-260471 (referred to as "USEPA Asbestos Methods-100.1").

Method 100.2, "Determination of Asbestos Structures over 10-mm in Length in Drinking Water", EPA-600/4-83-043, June, 1994, Doc. No. PB94-201902 (referred to as "USEPA Asbestos Methods-100.2").

"Methods for Chemical Analysis of Water and Wastes", March, 1983, Doc. No. PB84-128677 (referred to as "USEPA Inorganic Methods"). (Methods 150.1, 150.2, and 245.2, which formerly appeared in this reference, are available from USEPA EMSL.)

"Methods for the Determination of Metals in Environmental Samples", June 1991, Doc. No. PB91-231498 (referred to as "USEPA Environmental Metals Methods").

"Methods for the Determination of Organic Compounds in Drinking Water", December, 1988, revised July 1991, EPA-600/4-88/039 (referred to as "USEPA Organic Methods"). (For methods 502.2, 505, 507, 508, 508A, 515.1 and 531.1.)

"Methods for the Determination of Organic Compounds in Drinking Water--Supplement 1", July 1990, EPA-600-4-90-020 (referred to as "USEPA Organic Methods"). (For methods 506,

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547, 550, 550.1, and 551.)

"Methods for the Determination of Organic Compounds in Drinking Water--Supplement II", August 1992, EPA-600/R-92-129 (referred to as "USEPA Organic Methods"). (For methods 515.2, 524.2, 548.1, 549.1, 552.1 and 555.)

"Prescribed Procedures for Measurement of Radioactivity in Drinking Water", EPA 600/4-80-032, August 1980 (referred to as "USEPA Radioactivity Methods"). (Methods 900, 901, 901.1, 902, 903, 903.1, 904, 905, 906, 908, 908.1)

"Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions", H.L. Krieger and S. Gold, EPA-R4-73-014, May 1973, Doc. No. PB222-154/7BA.

"Radiochemical Analytical Procedures for Analysis of Environmental Samples", March 1979, Doc. No. EMSL IV 053917 (referred to as "USEPA Radiochemical Analyses"). (Pages 1, 19, 33, 65, 87, 92)

"Radiochemistry Procedures Manual", EPA-520/5-84-006, December 1987, Doc. No. PB-84-215581 (referred to as "USEPA Radiochemistry Methods"). (Methods 00-01, 00-02, 00-07, H-02, Ra-03, Ra-04, Ra-05, Sr-04)

"Technical Notes on Drinking Water Methods", EPA-600/R-94-173, October 1994, Doc. No. PB-104766 (referred to as "USEPA Technical Notes").  
BOARD NOTE: USEPA made the following assertion with regard to this reference at 40 CFR 141.23(k)(1) and 141.24(e) and (n)(1) (1995): "This document contains other analytical test procedures and approved analytical methods that remain available for compliance monitoring until July 1, 1996."

"Tetra- through Octa-Chlorinated Dioxins and Furans by Isotope Dilution HRGC/HRMS", October 1994, EPA-821-B-94-005 (referred to as "Dioxin and Furan Method 1613").

New Jersey Department of Environment, Division of Environmental Quality, Bureau of Radiation and Inorganic Analytical Services, 9 Ewing Street, Trenton, NJ 08625:

"Determination of Radium 228 in Drinking Water", August 1990.

New York Department of Health, Radiological Sciences Institute, Center for Laboratories and Research, Empire State Plaza, Albany,

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NY 12201:

"Determination of Ra-226 and Ra-228 (Ra-02)", January 1980, revised June 1982.

Technicon Industrial Systems, Tarrytown, NY 10591:

"Fluoride in Water and Wastewater", Industrial Method #129-71W, December 1972 (referred to as "Technicon Methods: Method #129-71W"). See 40 CFR 141.23(k)(1), footnote 11 (1999 1995).

"Fluoride in Water and Wastewater", #380-75WE, February 1976 (referred to as "Technicon Methods: Method #380-75WE"). See 40 CFR 141.23(k)(1), footnote 11 (1999 1995).

United States Department of Energy, available at the Environmental Measurements Laboratory, U.S. Department of Energy, 376 Hudson Street, New York, NY 10014-3621:

"EML Procedures Manual", 27th Edition, Volume 1, 1990.

United States Environmental Protection Agency, EMSL, Cincinnati, OH 45268 513-569-7586:

"Interim Radiochemical Methodology for Drinking Water", EPA-600/4-75-008 (referred to as "Radiochemical Methods"). (Revised) March, 1976.

"Methods for the Determination of Organic Compounds in Finished Drinking Water and Raw Source Water" (referred to as "USEPA Organic Methods"). (For methods 504.1, 508.1, and 525.2 only.) See NTIS.

"Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions". See NTIS.

USEPA, Science and Technology Branch, Criteria and Standards Division, Office of Drinking Water, Washington, D.C. 20460:

"Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems using Surface Water Sources", October 1989.

USGS. Books and Open-File Reports Section, United States Geological Survey, Federal Center, Box 25425, Denver, CO 80225-0425:

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Methods available upon request by method number from "Methods of Analysis by the U.S. Geological Survey National Water Quality Laboratory--Determination of Inorganic and Organic Constituents in Water and Fluvial Sediments", Open File Report 93-125 or Book 5, Chapter A-1, "Methods for Determination of Inorganic Substances in Water and Fluvial Sediments", 3rd ed., Open-File Report 85-495, 1989, as appropriate (referred to as "USGS Methods").

I-1030-85

I-1062-85

I-1601-85

I-1700-85

I-2598-85

I-2601-90

I-2700-85

I-3300-85

Methods available upon request by method number from "Methods for Determination of Radioactive Substances in Water and Fluvial Sediments", Chapter A5 in Book 5 of "Techniques of Water-Resources Investigations of the United States Geological Survey", 1997.

R-1110-76

R-1111-76

R-1120-76

R-1140-76

R-1141-76

R-1142-76

R-1160-76

R-1171-76

R-1180-76

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R-1181-76

R-1182-76

c) The Board incorporates the following federal regulations by reference:  
 40 CFR 136, Appendix B and C (1999 1998).

d) This Part incorporates no later amendments or editions.

(Source: Amended at 24 Ill. Reg. 14226, effective SEP 11 2000)

SUBPART F: MAXIMUM CONTAMINANT LEVELS (MCLs) AND MAXIMUM RESIDUAL DISINFECTANT LEVELS (MRDLs)

Section 611.310 Old Maximum Contaminant Levels (MCLs) for Organic Chemicals

The following are the MCLs for organic chemicals. The MCLs for organic chemicals in this Section ~~subsections--(a)--and--(b)--~~ apply to all CWSs. Compliance with the MCLs in subsections (a) and (b) is calculated pursuant to Subpart O of this Part. ~~Section 611-641-et-seq.~~ Compliance with the MCL in subsection (c) ~~for WHM~~ is calculated pursuant to Subpart P of this Part.

Contaminant	Level mg/L	State Requirement (*)
a) Chlorinated hydrocarbons		
Aldrin.....	0.001	*
DDT.....	0.05	*
Dieldrin.....	0.001	*
Heptachlor.....	0.0001	*
Heptachlor epoxide.....	0.0001	*

BOARD NOTE: Originally derived from 40 CFR 141.12(a) (1994), USEPA removed the last entry in this subsection and marked it reserved at 57 Fed. Reg. 31838 (July 17, 1992). USEPA added another listing of organic MCLs at 40 CFR 141.61 (1994). Heptachlor, heptachlor epoxide, and 2,4-D appear in both this Section and in Section 611.311, with a different MCL in each Section. The heptachlor, heptachlor epoxide, and 2,4-D MCLs in this Section are Illinois limitations that are more stringent than the federal requirements. However, detection of these contaminants or violation of their federally-derived revised Section 611.311 MCLs imposes more stringent monitoring, reporting, and notice requirements.

b) Chlorophenoxys-

2,4-D..... 0.01

\*



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BOARD NOTE: Originally derived from 40 CFR 141.12(b) (1994), USRPA removed the last entry in this subsection and marked it reserved at 56 Fed. Reg. 3578 (Jan. 30, 1991). See the preceding Board Note regarding the dual listing of MCLs for 2.4-D.

- c) TTHM..... 0.10 \*
- 1) The MCL of 0.10 mg/L for TTHM applies to a Subpart B community water system that serves 10,000 or more persons, until December 31, 2004.
  - 2) The MCL of 0.10 mg/L for TTHM applies to community water systems that use only groundwater not under the direct influence of surface water and serve 10,000 or more persons, until December 31, 2003.
  - 3) After December 31, 2003, the MCL for TTHM in this Section is no longer applicable.

BOARD NOTE: Derived in-part from 40 CFR 141.12 (1999) ~~to~~ **14226**. This is an additional State requirement to the extent that it applies to supplies other than CWSs that add a disinfectant at any part of treatment and which provide water to 10,000 or more persons. ~~Also derived from 40 CFR 141.12-1998~~. The new MCL for TTHM is listed in Section 611.312.

(Source: Amended at 24 Ill. Reg. **14226**, effective SEP 11 2000)

## SUBPART G: LEAD AND COPPER

## Section 611.359 Analytical Methods

Analyses for lead, copper, pH, conductivity, calcium, alkalinity, orthophosphate, silica, and temperature shall be conducted using the methods set forth in Section 611.611(a).

- a) Analyses for lead and copper performed for the purposes of compliance with this Subpart shall only be conducted by laboratories that have been certified by USEPA or the Agency. To obtain certification to conduct analyses for lead and copper, laboratories must:
  - 1) Analyze performance evaluation samples that include lead and copper provided by USEPA Environmental Monitoring and Support Laboratory or equivalent samples provided by the Agency; and
  - 2) Achieve quantitative acceptance limits as follows:
    - A) For lead:  $\pm 30$  percent of the actual amount in the performance evaluation sample when the actual amount is greater than or equal to 0.005 mg/L (the PQL for lead is 0.005 mg/L);
    - B) For copper:  $\pm 10$  percent of the actual amount in the performance evaluation sample when the actual amount is

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- c) Achieve the method detection limits (MDLs) defined in Section 611.350(a) according to the procedures in 35 Ill. Adm. Code 183 and 40 CFR 136, Appendix B: "Definition and Procedure for the Determination of the Method Detection Limit--Revision 1.11" (1999); and
- D) Be currently certified by USEPA or the Agency to perform analyses to the specifications described in subsection (a)(2) of this Section below.
- b) The Agency shall, by a SEP issued pursuant to Section 611.110, allow a supplier to use previously collected monitoring data for the purposes of monitoring under this Subpart if the data were collected and analyzed in accordance with the requirements of this Subpart.
- c) Reporting lead and copper levels.
  - 1) All lead and copper levels greater than or equal to the lead and copper PQL (Pb  $\geq 0.005$  mg/L and Cu  $\geq 0.050$  mg/L) must be reported as measured.
  - 2) All lead and copper levels measured less than the PQL and greater than the MDL ( $0.005$  mg/L  $>$  Pb  $>$  MDL and  $0.050$  mg/L  $>$  Cu  $>$  MDL) must be either reported as measured or as one-half the PQL set forth in subsection (a) of this Section above (i.e., reported as  $0.0025$  mg/L for lead or  $0.025$  mg/L for copper).
  - 3) All lead and copper levels below the lead and copper MDL (MDL  $>$  Pb) must be reported as zero.

BOARD NOTE: Derived from 40 CFR 141.89 (1999 1994) ~~as amended at 59 Fed. Reg. 62476 (December 5, 1994)~~.

(Source: Amended at 24 Ill. Reg. **14226**, effective SEP 11 2000)

## SUBPART K: GENERAL MONITORING AND ANALYTICAL REQUIREMENTS

## Section 611.490 Certified Laboratories

- a) For the purpose of determining compliance with Subparts L through O, samples will be considered only if they have been analyzed:
  - 1) by a laboratory certified pursuant to Section 4(o) of the Act; or,
  - 2) by a laboratory certified by USEPA B-S-BPA; or,
  - 3) Measurements for alkalinity, calcium, conductivity, disinfectant residual, orthophosphate, silica, turbidity, free chlorine residual, temperature, and pH may be performed under the supervision of a certified operator (35 Ill. Adm. Code 603.103).
- b) Nothing in this Part shall be construed to preclude the Agency or any duly designated representative of the Agency from taking samples or from using the results from such samples to determine compliance by a supplier of water with the applicable requirements of this Part.

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BOARD NOTE: Derived from 40 CFR 141.28 (1999/1994).

- c) The CMS supplier shall have required analyses performed either at an agency laboratory or a certified laboratory. The Agency may require that some or all of the required samples be submitted to its laboratories.

BOARD NOTE: This is an additional State requirement.

(Source: Amended at 24 Ill. Reg. ~~14226~~, effective ~~11/1/2000~~)

## SUPPORT L: MICROBIOLOGICAL MONITORING AND ANALYTICAL REQUIREMENTS

## Section 611.526 Analytical Methodology

- a) The standard sample volume required for total coliform analysis, regardless of analytical method used, is 100 mL.
- b) Suppliers need only determine the presence or absence of total coliforms; a determination of total coliform density is not required.
- c) Suppliers shall conduct total coliform analyses in accordance with one of the following analytical methods, incorporated by reference in Section 611.102 (the time from sample collection to initiation of analysis may not exceed 30 hours, and the supplier is encouraged but not required to hold samples below 10° C during transit):

- 1) Total Coliform ~~Multitube~~ Tube Fermentation (MPF) Technique, as set forth in Standard Methods, 18th or 19th ed.: Methods 9221 A and B:
  - A) Lactose broth, as commercially available, may be used in lieu of lauryl tryptose broth if the supplier conducts at least 25 parallel tests between this medium and lauryl tryptose broth using the water normally tested and this comparison demonstrates that the false-positive rate and false-negative rate for total coliforms, using lactose broth, is less than 10 percent;
  - B) If inverted tubes are used to detect gas production, the media should cover these tubes at least one-half to two-thirds after the sample is added; and
  - C) No requirement exists to run the completed phase on 10 percent of all total coliform-positive confirmed tubes.
- 2) Total Coliform Membrane Filter (MPF) Technique, as set forth in Standard Methods, 18th or 19th ed.: Methods 9222 A, B, and C.
- 3) Presence-Absence (P-A) Coliform Test, as set forth in: Standard Methods, 18th or 19th ed.: Method 9221 B:
  - A) No requirement exists to run the completed phase on 10 percent of all total coliform-positive confirmed tubes; and
  - B) Six-times formulation strength may be used if the medium is filter-sterilized rather than autoclaved.
- 4) ONPG-MUG test: Standard Methods, 18th or 19th ed.: Method 9223. (The ONPG-MUG test is also known as the Autoanalysis Colilert

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- 5) System autoanalysis colilert system-~~2~~  
Colisure Test (Autoanalysis Colilert System) from-Millipore Corporation--incorporated-by-reference-in-Section-611.102. (The Colisure Test must be incubated for 30 hours before examining results--if an examination of the results at 20 hours is convenient--then results may be examined at any time between 20 hours and 40 hours may be read after an incubation time of 24 hours.)

BOARD NOTE: USEPA included the P-A Coliform and Colisure Tests for testing finished water under the coliform rule, but did not include them for the purposes of the surface water treatment rule, under Section 611.531, for which quantitation of total coliforms is necessary. For these reasons, USEPA included Standard Methods: Method 9221 C for the surface water treatment rule, but did not include it for the purposes of the total coliform rule, under this Section.

- 6) Colilert (registered trademark) Test (Charm Sciences, Inc.).

- 7) m-ColiBlue24 (registered trademark) Test (Hatch Company).

- d) This subsection corresponds with 40 CFR 141.21(f)(4), which USEPA has marked "reserved". This statement maintains structural consistency with the federal regulations.

- e) Suppliers shall conduct fecal coliform analysis in accordance with the following procedure:

- 1) When the MPF Technique or P-A Coliform Test is used to test for total coliforms, shake the lactose-positive presumptive tube or P-A vigorously, and transfer the growth with a sterile 3-mm loop or sterile applicator stick into brilliant green lactose bile broth and EC medium, defined below, to determine the presence of total and fecal coliforms, respectively.
- 2) For approved methods that use a membrane filter, transfer the total coliform-positive culture by one of the following methods: remove the membrane containing the total coliform colonies from the substrate with a sterile forceps and carefully curl and insert the membrane into a tube of EC medium; (The laboratory may first remove a small portion of selected colonies for verification); swab the entire membrane filter surface with a sterile cotton swab and transfer the inoculum to EC medium (do not leave the cotton swab in the EC medium); or inoculate individual total coliform-positive colonies into EC medium. Gently shake the inoculated tubes of EC medium to insure adequate mixing and incubate in a waterbath at  $44.5 \pm 0.2^\circ \text{C}$  for 24 + 2 hours. Gas production of any amount in the inner fermentation tube of the EC medium indicates a positive fecal coliform test.
- 3) EC medium is described in Standard Methods, 18th ed. and 19th ed.: Method 9221E.
- 4) Suppliers need only determine the presence or absence of fecal coliforms; a determination of fecal coliform density is not required.

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- f) Suppliers shall conduct analysis of *E. coli* in accordance with one of the following analytical methods, incorporated by reference in Section 611.102:

1) EC medium supplemented with 50  $\mu\text{g/L}$  of MUG (final concentration). EC medium is as described in subsection (e) of this Section. MUG may be added to EC medium before autoclaving. EC medium supplemented with 50  $\mu\text{g/L}$  MUG is commercially available. At least 10 mL of EC medium supplemented with MUG must be used. The inner inverted fermentation tube may be omitted. The procedure for transferring a total coliform-positive culture to EC medium supplemented with MUG is as in subsection (e) of this Section for transferring a total coliform-positive culture to EC medium. Observe fluorescence with an ultraviolet light (366 nm) in the dark after incubating tube at 44.5  $\pm$  2° C for 24  $\pm$  2 hours; or

2) Nutrient agar supplemented with 100  $\mu\text{g/L}$  MUG (final concentration). Nutrient agar is described in Standard Methods, 18th ed. or 19th ed.: Method 9221 By-~~at~~-pages-9-47-to-9-48. This test is used to determine if a total coliform-positive sample, as determined by the MF technique or any other method in which a membrane filter is used, contains *E. coli*. Transfer the membrane filter containing a total coliform colony or colonies to nutrient agar supplemented with 100  $\mu\text{g/L}$  MUG (final concentration). After incubating the agar plate at 35° Celsius for 4 hours, observe the colony or colonies under ultraviolet light (366-nm) in the dark for fluorescence. If fluorescence is visible, *E. coli* are present.

3) Minimal Medium ONPG-MUG (WMO-MUG) Test, as set forth in Section 611-Appendix D. (The Autoanalysis Colilert® System is a WMO-MUG test.) If the WMO-MUG test is total coliform positive after a 24-hour incubation, test the medium for fluorescence with a 366-nm ultraviolet light (preferably with a 6-watt lamp) in the dark. If fluorescence is observed, the sample is *E. coli*-positive. If fluorescence is questionable (cannot be definitively read) after 24 hours incubation, incubate the culture for an additional four hours (but not to exceed 28 hours total), and again test the medium for fluorescence. The WMO-MUG test with hepes buffer is the only approved formulation for the detection of *E. coli*.

4) The Colisure Test (Autoanalysis Colilert® System)-from Whittipore Corporation-incorporated-by-reference-in-Section-611-#2.

5) The membrane filter method with MI agar.

6) The E-Coli~~ite~~(registered trademark) Test.

7) The m-ColiBlue24(registered trademark) Test.

- 9) As an option to the method set forth in subsection (f)(3) of this Section, a supplier with a total coliform-positive, MUG-negative, WMO-MUG test may further analyze the culture for the presence of *E. coli* by transferring a 0.1 mL, 28-hour WMO-MUG culture to EC medium + MUG with a pipet. The formulation and incubation conditions of the EC

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medium + MUG, and observation of the results, are described in subsection (f)(1) of this Section.

- h) This subsection corresponds with 40 CFR 141.21(f)(8), a central listing of all documents incorporated by reference into the federal microbiological analytical methods. The corresponding Illinois incorporations by reference are located at Section 611.102. This statement maintains structural parity with USEPA regulations.

BOARD NOTE: Derived from 40 CFR 141.21(f) (19931995).

(Source: Amended at 24 Ill. Reg. ~~14220~~ effective ~~11-22-90~~)

## Section 611.531 Analytical Requirements

The analytical method(s) specified in this Section must be used to demonstrate compliance with the requirements of only 611-Subpart B; they do not apply to analyses performed for the purpose of Sections 611.521 through 611.527 of this Subpart. Measurements for pH, temperature, turbidity, and RDCs must be conducted under the supervision of a certified operator. Measurements for total coliforms, fecal coliforms and HPC must be conducted by a laboratory certified by the Agency to do such analysis. The following procedures must be performed by the following methods, incorporated by reference in Section 611.102:

- a) A supplier shall:

- 1) Conduct analyses ~~analysis~~ of pH in accordance with one of the methods listed at Section 611.611; and
- 2) Conduct analyses of total coliforms, fecal coliforms, heterotrophic bacteria, and turbidity in accordance with one of the following methods, and by using analytical test procedures contained in USEPA Technical Notes, incorporated by reference in Section 611.102:

## A) Total Coliforms:

BOARD NOTE: The time from sample collection to initiation of analysis for source (raw) water samples required by Sections 611.521 and 611.532 and 611-Subpart B only must not exceed 8 hours. The supplier is encouraged but not required to hold samples below 10° C during transit.

- 1) Total coliform fermentation technique: Standard Methods, 18th ed. or 19th ed.: Method 9221 A, B, and C.

BOARD NOTE: Lactose broth, as commercially available, may be used in lieu of lauryl tryptose broth if the supplier conducts at least 25 parallel tests between this medium and lauryl tryptose broth using the water normally tested and this comparison demonstrates that the false-positive rate and false-negative rate for total coliforms, using lactose broth, is less than 10 percent. If inverted tubes are used to detect gas

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production, the media should cover these tubes at least one-half to two-thirds after the sample is added. No requirement exists to run the completed phase on 10 percent of all total coliform-positive confirmed tubes.

- ii) Total coliform membrane filter technique: Standard Methods, 18th ed. or 19th ed.; Method 9222 A, B, and C.

- iii) ONPC-MUG test (also known as the Autoanalysis Colilert System ~~autoanalysis---colilert---system~~): Standard Methods, 18th ed. or 19th ed.; Method 9223.  
BOARD NOTE: USEPA included the P-A Coliform and Colisure Tests for testing finished water under the coliform rule, under Section 611.526, but did not include them for the purposes of the surface water treatment rule, under this Section, for which quantitation of total coliforms is necessary. For these reasons, USEPA included Standard Methods: Method 9221 C for the surface water treatment rule, but did not include it for the purposes of the total coliform rule, under Section 611.526.

## B) Fecal Coliforms:

BOARD NOTE: The time from sample collection to initiation of analysis for source (raw) water samples required by Sections 611.521 and 611.532 and 611-Subpart B only must not exceed 8 hours. The supplier is encouraged but not required to hold samples below 10° C during transit.

- i) Fecal coliform procedures: Standard Methods, 18th ed. or 19th ed.; Method 9221 E.  
BOARD NOTE: A-1 broth may be held up to three months in a tightly closed screwcap tube at 4° C (39° F).

- ii) Fecal Coliforms Membrane Filter Procedure: Standard Methods, 18th ed. or 19th ed.; Method 9222 D.

- C) Heterotrophic bacteria: Pour plate method: Standard Methods, 18th ed. or 19th ed.; Method 9215 B.

BOARD NOTE: The time from sample collection to initiation of analysis must not exceed 8 hours. The supplier is encouraged but not required to hold samples below 10° C during transit.

- D) Turbidity:  
i) Nephelometric method: Standard Methods, 18th ed. or 19th ed.; Method 2130 B.

- ii) Nephelometric method: USEPA Environmental Inorganic Methods: Method 180.1

- iii) GUI Method 2.

- E) Temperature: Standard Methods, 18th ed. or 19th ed.; Method 2550.

- b) A supplier shall measure residual disinfectant concentrations with one

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of the following analytical methods from Standard Methods, 18th ed. or 19th ed., and by using analytical test procedures contained in USEPA Technical Notes, incorporated by reference in Section 611.102:

- 1) Free chlorine:
  - A) Amperometric Titration: Method 4500-Cl D.
  - B) DPD Ferrous Titrimetric: Method 4500-Cl F.
  - C) DPD Colorimetric: Method 4500-Cl G.
  - D) Sulfhydrylamine (FACTS): Method 4500-Cl H.
- 2) Total chlorine:
  - A) Amperometric Titration: Method 4500-Cl D.
  - B) Amperometric Titration (low level measurement): Method 4500-Cl E.
  - C) DPD Ferrous Titrimetric: Method 4500-Cl F.
  - D) DPD Colorimetric: Method 4500-Cl G.
  - E) Iodometric Electrode: Method 4500-Cl I.
- 3) Chlorine dioxide:
  - A) Amperometric Titration: Method 4500-ClO[2] C or E.
  - B) DPD Method: Method 4500-ClO[2] D.
  - C) Ozone: Indigo Method: Method 4500-ClO[3] B.
- 4) Alternative test methods: The Agency may grant a SEP pursuant to Section 611.110 that allows a supplier to use alternative chlorine test methods as follows:
  - A) DPD colorimetric test kits: Residual disinfectant concentrations for free chlorine and combined chlorine may also be measured by using DPD colorimetric test kits.
  - B) Continuous monitoring for free and total chlorine: Free and total chlorine residuals may be measured continuously by adapting a specified chlorine residual method for use with a continuous monitoring instrument, provided the chemistry, accuracy, and precision remain the same. Instruments used for continuous monitoring must be calibrated with a grab sample measurement at least every five days or as otherwise provided by the Agency.

BOARD NOTE: Suppliers may use a five-tube test or a ten-tube test.

BOARD NOTE: Derived from 40 CFR 141.74(a) (1999 1995).

(Source: Amended at 24 Ill. Reg. 14226, effective 10/1/00)

## SUBPART N: INORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

## Section 611.611 Inorganic Analysis

Analytical methods are from documents incorporated by reference in Section 611.102. These are mostly referenced by a short name defined by Section 611.102(a). Other abbreviations are defined in Section 611.101.

- a) Analysis for the following contaminants must be conducted using the



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following methods or an alternative approved pursuant to Section 611.485. Criteria for analyzing arsenic, chromium, copper, lead, nickel, selenium, sodium, and thallium by digestion or directly without digestion, and other analytical procedures, are contained in USEPA Technical Notes, incorporated by reference in Section 611.102. (This document also contains approved analytical test methods that remain available for compliance monitoring until July 1, 1996. These methods will not be available for use after July 1, 1996.)

- C) Antimony:
- A) Inductively-coupled plasma-mass spectrometry: USEPA Environmental Metals Methods: Method 200.8.
  - B) Atomic absorption, hydride technique: ASTM Method D3697-92.
  - C) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods: Method 200.9.
  - D) Atomic absorption, furnace technique: Standard Methods, 18th ed.: Method 3113 B.
- 2) Arsenic:
- A) Inductively-coupled plasma-mass spectrometry: USEPA Environmental Metals Methods: Method 200.7, or  
ii) Standard Methods (18th ed.): Method 3120 B.
  - B) Inductively-coupled plasma-mass spectrometry: USEPA Environmental Metals Methods: Method 200.8.
  - C) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods: Method 200.9.
  - D) Atomic absorption, furnace technique: Standard Methods, 18th ed.: Method 3113 B.
- 3) Barium:
- A) Inductively-coupled plasma: USEPA Environmental Metals Methods: Method 200.7, or  
ii) Standard Methods, 18th ed.: Method 3120 B.
  - B) Inductively-coupled plasma-mass spectrometry: USEPA Environmental Metals Methods: Method 200.8.
  - C) Atomic absorption, direct aspiration technique: Standard Methods, 18th ed.: Method 3111 D.
  - D) Atomic absorption, furnace technique: Standard Methods, 18th ed.: Method 3113 B.
- 5) Beryllium:
- A) Inductively-coupled plasma: USEPA Environmental Metals Methods: Method 200.7, or  
ii) Standard Methods, 18th ed.: Method 3120 B.
  - B) Inductively-coupled plasma-mass spectrometry: USEPA Environmental Metals Methods: Method 200.8.

- C) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods: Method 200.9.
  - D) Atomic absorption, furnace technique: USEPA Environmental Metals Methods: Method 200.9.
- 6) Cadmium:
- i) ASTM Method D 3645-93 B, or  
ii) Standard Methods, 18th ed.: Method 3113 B.
- 7) Chromium:
- A) Inductively-coupled plasma arc furnace: USEPA Environmental Metals Methods: Method 200.7.
  - B) Inductively-coupled plasma-mass spectrometry: USEPA Environmental Metals Methods: Method 200.8.
  - C) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods: Method 200.9.
  - D) Atomic absorption, furnace technique: Standard Methods, 18th ed.: Method 3113 B.
- 8) Cyanide:
- A) Manual distillation (Standard Methods 18th ed.: Method 4500-CN(-) C), followed by spectrophotometric, amenable: 4500-CN(-) C, followed by spectrophotometric, amenable:  
i) ASTM Method D203691 B, or  
ii) Standard Methods, 18th ed.: Method 4500-CNTG (-).
  - B) Manual distillation (Standard Methods 18th ed.: Method 4500-CN(-) C), followed by spectrophotometric, manual:  
i) ASTM Method D2036-91A,  
ii) Standard Methods, 18th ed.: Method 4500-CN(-) E, or  
iii) USCS Methods: Method 1-3300-95.
  - C) Manual distillation (Standard Methods, 18th ed.: Method 4500-CN(-) C), followed by semiautomated spectrophotometric: USEPA Environmental Inorganic Methods: Method 335.4.
  - D) Selective electrode: Standard Methods, 18th ed.: Method 4500-CN(-) F.
- 9) Fluoride:
- A) Ion Chromatography:  
i) USEPA Environmental Inorganic Methods: Method 300.0,  
ii) ASTM Method D4327-91, or  
iii) Standard Methods, 18th ed.: Method 4110 B.
  - B) Manual distillation, colorimetric SPADNS: Standard Methods, 18th ed.: Method 4500-F(-) B and D.
  - C) Manual electrode:

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- i) ASTM Method D1179-93B, or
- ii) Standard Methods, 18th ed.: Method 4500-F(-) C.
- D) Automated electrode: Technicon Methods: Method 380-7SWB.
- E) Automated alizarin:
  - i) Standard Methods, 18th ed.: Method 4500-F(-) B, or
  - ii) Technicon Methods: Method 129-71W.
- 10) Mercury:
  - A) Manual cold vapor technique:
    - i) USEPA Environmental Metals Methods: Method 245.1,
    - ii) ASTM Method D3223-91, or
    - iii) Standard Methods, 18th ed.: Method 3112 B.
  - B) Automated cold vapor technique: USEPA Inorganic Methods: Method 245.2-7
  - C) Inductively-coupled plasma-mass spectrometry: USEPA Environmental Metals Methods: Method 200.8.
- 11) Nickel:
  - A) Inductively-coupled plasma:
    - i) USEPA Environmental Metals Methods: Method 200.7, or
    - ii) Standard Methods, 18th ed.: Method 3120 B.
  - B) Inductively-coupled plasma-mass spectrometry: USEPA Environmental Metals Methods: Method 200.8.
  - C) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods: Method 200.9.
  - D) Atomic absorption, direct aspiration technique: Standard Methods, 18th ed.: Method 3111 B.
  - E) Atomic absorption, furnace technique: Standard Methods, 18th ed.: Method 3113 B.
- 12) Nitrate:
  - A) Ion chromatography:
    - i) USEPA Environmental Inorganic Methods: Method 300.0,
    - ii) ASTM Method D4327-91,
    - iii) Standard Methods, 18th ed.: Method 4110 B, or
    - iv) Waters Test Method B-1011, available from Millipore Corporation.
  - B) Automated cadmium reduction:
    - i) USEPA Environmental Inorganic Methods: Method 353.2,
    - ii) ASTM Method D3867-90 A, or
    - iii) Standard Methods, 18th ed.: Method 4500-NO[3](-) F.
  - C) Ion selective electrode:
    - i) Standard Methods, 18th ed.: Method 4500-NO[3](-) D, or
    - ii) Technical Bulletin 601.
  - D) Manual cadmium reduction:
    - i) ASTM Method D3867-90 B, or
    - ii) Standard Methods, 18th ed.: Method 45-NO[3](-) E.
- 13) Nitrite:
  - A) Ion chromatography:
    - i) USEPA Environmental Inorganic Methods: Method 300.0,

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- ii) ASTM Method D4327-91,
- iii) Standard Methods, 18th ed.: Method 4110 B, or
- iv) Waters Test Method B-1011, available from Millipore Corporation.
- B) Automated cadmium reduction:
  - i) USEPA Environmental Inorganic Methods: Method 353.2,
  - ii) ASTM Method D3867-90 A, or
  - iii) Standard Methods, 18th ed.: Method 4500-NO[3](-) F.
- C) Manual cadmium reduction:
  - i) ASTM Method D3867-90 B, or
  - ii) Standard Methods, 18th ed.: Method 4500-NO[3](-) E.
- D) Spectrophotometric: Standard Methods, 18th ed.: Method 4500-NO[2](-) B.
- 14) Selenium:
  - A) Atomic absorption, hydride:
    - i) ASTM Method D3859-93 A, or
    - ii) Standard Methods, 18th ed.: Method 3114 B.
  - B) Inductively-coupled plasma-mass spectrometry: USEPA Environmental Metals Methods: Method 200.8.
  - C) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods: Method 200.9.
  - D) Atomic absorption, furnace technique:
    - i) ASTM Method D3859-93 B, or
    - ii) Standard Methods, 18th ed.: Method 3113 B.
- 15) Thallium:
  - A) Inductively-coupled plasma-mass spectrometry: USEPA Environmental Metals Methods: Method 200.8.
  - B) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods: Method 200.9.
- 16) Lead:
  - A) Atomic absorption, furnace technique:
    - i) ASTM Method D3559-95 D B959-90-B, or
    - ii) Standard Methods, 18th ed.: Method 3113 B.
  - B) Inductively-coupled plasma-mass spectrometry: USEPA Environmental Metals Methods: Method 200.8.
  - C) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods: Method 200.9.
- 17) Copper:
  - A) Atomic absorption, furnace technique:
    - i) ASTM Method D1688-95 C B1688-90-E, or
    - ii) Standard Methods, 18th ed.: Method 3113 B.
  - B) Atomic absorption, direct aspiration:
    - i) ASTM Method D1688-90 A, or
    - ii) Standard Methods, 18th ed.: Method 3111 B.
  - C) Inductively-coupled plasma:
    - i) USEPA Environmental Metals Methods: Method 200.7, or
    - ii) Standard Methods, 18th ed.: Method 3120 B.
  - D) Inductively-coupled plasma-mass spectrometry: USEPA Environmental Metals Methods: Method 200.9.

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Environmental Metals Methods: Method 200.8.  
 E) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods: Method 200.9.

## 18) pH:

A) Electrometric:

- i) USEPA Inorganic Methods: Method 150.1, or
- ii) ASTM Method D1293-84, or
- iii) Standard Methods, 18th ed.: Method 4500-H(+) B.

B) USEPA Inorganic Methods: Method 150.2.

## 19) Conductivity: Conductance:

- A) ASTM Method D1125-95 A B3125-91-A, or
- B) Standard Methods, 18th ed.: Method 2510 B.

## 20) Calcium:

- A) EDTA titrimetric:
- i) ASTM Method, D511-93 A, or
- ii) Standard Methods, 18th ed.: Method 3500-Ca D.
- B) Atomic absorption, direct aspiration:
- i) ASTM Method D511-93 B, or
- ii) Standard Methods, 18th ed.: Method 3111 B.

## C) Inductively-coupled plasma:

- i) USEPA Environmental Metals Methods: Method 200.7, or
- ii) Standard Methods, 18th ed.: Method 3120 B.

## 21) Alkalinity:

- A) Titrimetric:
- i) ASTM Method D1067-92 B, or
- ii) Standard Methods, 18th ed.: Method 2320 B.
- B) Electrometric titration: USGS Methods: Method I-1030-85.

## 22) Orthophosphate (unfiltered, without digestion or hydrolysis):

- A) Automated colorimetric, ascorbic acid:
- i) USEPA Environmental Inorganic Methods: Method 365.1, or
- ii) Standard Methods, 18th ed.: Method 4500-P F.

B) Single reagent colorimetric, ascorbic acid:

- i) ASTM Method D515-88 A, or
- ii) Standard Methods, 18th ed.: Method 4500-P E.
- C) Colorimetric, phosphomolybdate: USGS Methods: Method I-1601-85.

D) Colorimetric, phosphomolybdate, automated-segmented flow: USGS Methods: Method I-2601-90.

E) Colorimetric, phosphomolybdate, automated discrete: USGS Methods: Method I-2598-85.

## F) Ion Chromatography:

- i) USEPA Environmental Inorganic Methods: Method 300.0, or
- ii) ASTM Method D4327-91, or
- iii) Standard Methods, 18th ed.: Method 4110 B #4140.

## 23) Silica:

- A) Colorimetric, molybdate blue: USGS Methods: Method I-1700-85.

- B) Colorimetric, molybdate blue, automated-segmented flow: USGS Methods: Method I-2700-85.
- C) Colorimetric: ASTM Method D859-95 B859-88.
- D) Molybdesilicate: Standard Methods, 18th ed.: Method 4500-Si D.
- E) Heteropoly blue: Standard Methods, 18th ed.: Method 4500-Si E.
- F) Automated method for molybdate-reactive silica: Standard Methods, 18th ed.: Method 4500-Si F.
- G) Inductively-coupled plasma:
- i) USEPA Environmental Metals Methods: Method 200.7, or
- ii) Standard Methods, 18th ed.: Method 3120 B.

24) Temperature: thermometric: Standard Methods, 18th ed.: Method 2550.

25) Sodium:

- A) Inductively-coupled plasma: USEPA Environmental Metals Methods: Method 200.7.
- B) Atomic absorption, direct aspiration: Standard Methods, 18th ed.: Method 3111 B.

b) Sample collection for antimony, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, nitrate, nitrite, selenium, and thallium pursuant to Sections 611.600 through 611.604 must be conducted using the following sample preservation, container, and maximum holding time procedures:

- 1) Antimony:
  - A) Preservative: Concentrated nitric acid to pH less than 2.
  - B) Plastic or glass (hard or soft).
  - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 6 months.

2) Asbestos:

- A) Preservative: Cool to 4° C.
- B) Plastic or glass (hard or soft).
- C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 48 hours.

3) Barium:

- A) Preservative: Concentrated nitric acid to pH less than 2.
- B) Plastic or glass (hard or soft).
- C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 6 months.

4) Beryllium:

- A) Preservative: Concentrated nitric acid to pH less than 2.
- B) Plastic or glass (hard or soft).
- C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 6 months.

5) Cadmium:

- A) Preservative: Concentrated nitric acid to pH less than 2.
- B) Plastic or glass (hard or soft).
- C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 6 months.

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- 6) Chromium:  
A) Preservative: Concentrated nitric acid to pH less than 2.  
B) Plastic or glass (hard or soft).  
C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 6 months.
- 7) Cyanide:  
A) Preservative: Cool to 4°C. Add sodium hydroxide to pH > 12. See the analytical methods for information on sample preservation.  
B) Plastic or glass (hard or soft).  
C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 14 days.
- 8) Fluoride:  
A) Preservative: None.  
B) Plastic or glass (hard or soft).  
C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 1 month.
- 9) Mercury:  
A) Preservative: Concentrated nitric acid to pH less than 2.  
B) Plastic or glass (hard or soft).  
C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 28 days.
- 10) Nickel:  
A) Preservative: Concentrated nitric acid to pH less than 2.  
B) Plastic or glass (hard or soft).  
C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 6 months.
- 11) Nitrate, chlorinated:  
A) Preservative: Cool to 4°C.  
B) Plastic or glass (hard or soft).  
C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 14 days.
- 12) Nitrate, non-chlorinated:  
A) Preservative: Concentrated sulfuric acid to pH less than 2.  
B) Plastic or glass (hard or soft).  
C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 14 days.
- 13) Nitrite:  
A) Preservative: Cool to 4°C.  
B) Plastic or glass (hard or soft).  
C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 48 hours.
- 14) Selenium:  
A) Preservative: Concentrated nitric acid to pH less than 2.  
B) Plastic or glass (hard or soft).  
C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 6 months.

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- 15) Thallium:  
A) Preservative: Concentrated nitric acid to pH less than 2.  
B) Plastic or glass (hard or soft).  
C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 6 months.
- C) Analyses under this Subpart must be conducted by laboratories that received approval from USPPA or the Agency. Laboratories may conduct sample analyses for antimony, beryllium, cyanide, nickel, and thallium under provisional certification granted by the Agency until January 1, 1996. The Agency shall certify laboratories to conduct analyses for antimony, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, nitrate, nitrite, selenium, and thallium if the laboratory:
- 1) Analyses performance evaluation samples, provided by the Agency pursuant to 35 Ill. Adm. Code Part 186 95-111-Adm-Code 189-125(e), that include those substances at levels not in excess of levels expected in drinking water; and
  - 2) Achieves quantitative results on the analyses within the following acceptance limits:
    - A) Antimony:  $\pm 30\%$  at greater than or equal to 0.006 mg/L.
    - B) Asbestos: 2 standard deviations based on study statistics.
    - C) Barium:  $\pm 15\%$  at greater than or equal to 0.15 mg/L.
    - D) Beryllium:  $\pm 15\%$  at greater than or equal to 0.001 mg/L.
    - E) Cadmium:  $\pm 20\%$  at greater than or equal to 0.002 mg/L.
    - F) Chromium:  $\pm 15\%$  at greater than or equal to 0.002 mg/L.
    - G) Cyanide:  $\pm 25\%$  at greater than or equal to 0.01 mg/L.
    - H) Fluoride:  $\pm 10\%$  at 1 to 10 mg/L.
    - I) Mercury:  $\pm 30\%$  at greater than or equal to 0.0005 mg/L.
    - J) Nickel:  $\pm 15\%$  at greater than or equal to 0.01 mg/L.
    - K) Nitrate:  $\pm 10\%$  at greater than or equal to 0.4 mg/L.
    - L) Nitrite:  $\pm 15\%$  at greater than or equal to 0.4 mg/L.
    - M) Selenium:  $\pm 20\%$  at greater than or equal to 0.01 mg/L.
    - N) Thallium:  $\pm 30\%$  at greater than or equal to 0.002 mg/L.
- BOARD-NOTE:--Subsection-(f)--is derived from the table to 48-CPR-141-23(k)(2) (1995)-and the discussion at 57-Ped.-Reg.-31869--(July-17-1992)--Section 611-609-is derived from 48-CPR-141-23(k)-(1995);
- (Source: Amended at 24 Ill. Reg. 14286, effective 1/1/2000)

Section 611.612 Monitoring Requirements for Old Inorganic MCLs

- a) Analyses for the purpose of determining compliance with the old inorganic MCLs of Section 611.300 are required as follows:
  - 1) Analyses for all CWSs utilizing surface water sources must be repeated at yearly intervals.
  - 2) Analyses for all CWSs utilizing only groundwater sources must be repeated at three-year intervals.



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- 3) This subsection (a)(3) corresponds with 40 CFR 141.23(l)(3) (19991994), which requires monitoring for the repealed old MCL for nitrate at a frequency specified by the state. The Board has followed the USEPA 9-S-BPA lead and repealed that old MCL. This statement maintains structural consistency with USEPA 9-S-BPA rules.
- 4) This subsection (a)(4) corresponds with 40 CFR 141.23(l)(4) (1999 1994), which authorizes the state to determine compliance and initiate enforcement action. This authority exists through the authorization of the Act, not through federal rules. This statement maintains structural consistency with USEPA 9-S-BPA rules.
- b) If the result of an analysis made under subsection (a) of this Section above indicates that the level of any contaminant listed in Section 611.300 exceeds the old MCL, the supplier shall report to the Agency within 7 days and initiate three additional analyses at the same sampling point within one month.
- c) When the average of four analyses made pursuant to subsection (b) of this Section above, rounded to the same number of significant figures as the old MCL for the substance in question, exceeds the old MCL, the supplier shall notify the Agency and give notice to the public pursuant to Subpart T of this Part. Monitoring after public notification must be at a frequency designated by the Agency by a SEP granted pursuant to Section 611.110 and must continue until the old MCL has not been exceeded in two successive samples or until a different monitoring schedule becomes effective as a condition to a variance, an adjusted standard, a site specific rule, an enforcement action, or another SEP granted pursuant to Section 611.110.
- d) This subsection corresponds with 40 CFR 141.23(o) (1999 1994), which pertains to monitoring for the repealed old MCL for nitrate. The Board has followed the USEPA 9-S-BPA action and repealed that old MCL. This statement maintains structural consistency with USEPA 9-S-BPA rules.
- e) This subsection corresponds with 40 CFR 141.23(p) (1999 1994), which pertains to the use of existing data up until a date long since expired. The Board did not adopt the original provision in 1989-26. This statement maintains structural consistency with USEPA 9-S-BPA rules.
- f) Except for arsenic, for which analyses must be made in accordance with Section 611.611, analyses conducted to determine compliance with the old MCLs of Section 611.300 must be made in accordance with the following methods, incorporated by reference in Section 611.102.
- 1) Fluoride: The methods specified in Section 611.611(c) shall apply for the purposes of this Section.
  - 2) Iron:
    - A) Standard Methods, 18th ed.:
      - i) Method 3111 B, or
      - ii) Method 3113 B, or

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- iii) Method 3120 B.
- B) USEPA 9-S-BPA Environmental Metals Methods:
  - i) Method 200.7, or
  - ii) Method 200.9.
- 3) Manganese:
  - A) Standard Methods, 18th ed.:
    - i) Method 3111 B,
    - ii) Method 3113 B, or
    - iii) Method 3120 B.
  - B) USEPA 9-S-BPA Environmental Metals Methods:
    - i) Method 200.7,
    - ii) Method 200.8, or
    - iii) Method 200.9.
- 4) Zinc:
  - A) Standard Methods, 18th ed.:
    - i) Method 3111 B, or
    - ii) Method 3120 B.
  - B) USEPA 9-S-BPA Environmental Metals Methods:
    - i) Method 200.7, or
    - ii) Method 200.8.

BOARD NOTE: The provisions of subsections (a) through (f) of this Section above derive from 40 CFR 141.23(l) through (p) (19991994), as amended at 59 Fed. Reg. 62466 (Dec. 5, 1994). USEPA 9-S-BPA removed and reserved 40 CFR 141.23(q) (formerly 40 CFR 141.23(f)) at 59 Fed. Reg. 62466 (Dec. 5, 1994). Subsection (f)(2) of this Section above relates to a contaminant for which USEPA 9-S-BPA specifies an MCL, but for which it repealed the analytical method. Subsections (f)(2) through (f)(4) of this Section above relate exclusively to additional state requirements. The Board retained subsections (f)(1), (f)(3), and (f)(4) of this Section to set forth methods for the inorganic contaminants for which there is a state-only MCL. The methods specified are those set forth in 40 CFR 143.4(b) (1999) ~~as amended at 59-Fed.-Reg.-62471-1994~~ for secondary MCLs. The predecessor to subsections (a) through (e) of this Section above were formerly codified as Section 611.601. The predecessor to subsection (f) of this Section above was formerly codified as Section 611.606.

(Source: Amended at 24 Ill. Reg. 14 2 6, effective SEP 1 1999)

## SUBPART O: ORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

## Section 611.645 Analytical Methods for Organic Chemical Contaminants

Analysis for the Section 611.311(a) VOCs under Section 611.646; the Section 611.311(c) SOCs under Section 611.648; the Section 611.310 old organic MCLs under Section 611.641; and for THMs, TTHMs, and TTHM potential shall be conducted using the methods listed in this Section or by equivalent methods as

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approved by the Agency pursuant to Section 611.480. All methods are from USEPA Organic Methods unless otherwise indicated.

## Volatile Organic Chemical Contaminants (VOCs):

Contaminant	Analytical Methods
Benzene	502.2, 524.2
Carbon tetrachloride	502.2, 524.2, 551.1
Chlorobenzene	502.2, 524.2
1,2-Dichlorobenzene	502.2, 524.2
1,4-Dichlorobenzene	502.2, 524.2
1,2-Dichloroethane	502.2, 524.2
cis-Dichloroethylene	502.2, 524.2
trans-Dichloroethylene	502.2, 524.2
Dichloromethane	502.2, 524.2
1,2-Dichloropropane	502.2, 524.2
Ethylbenzene	502.2, 524.2
Styrene	502.2, 524.2
Tetrachloroethylene	502.2, 524.2, 551.1
1,1,1-Trichloroethane	502.2, 524.2, 551.1
Trichloroethylene	502.2, 524.2, 551.1
Toluene	502.2, 524.2
1,2,4-Trichlorobenzene	502.2, 524.2
1,1-Dichloroethylene	502.2, 524.2
1,1,2-Trichloroethane	502.2, 524.2
Vinyl chloride	502.2, 524.2
Xylenes (total)	502.2, 524.2

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## Synthetic Organic Chemical Contaminants (SOCs):

Contaminant	Analytical Methods
2,3,7,8-Tetrachlorodibenzodioxin (2,3,7,8-TCDD or dioxin)	<u>Bioxin-and-Puran</u> Method 1613 515.17, 515.2, 555.2, 515.11, 515.3, <u>D5117-93</u>
2,4-D	515.17, 515.2, 555.2, 515.11, 515.3, <u>D5117-93</u>
2,4,5-TP (Silvex)	505*, 507, 508.1, 525.2, 551.1
Alachlor	505*, 507, 508.1, 525.2, 551.1
Atrazine	505*, 507, 508.1, 525.2, 551.1
Benzo(a)pyrene	525.2, 550, 550.1
Carbofuran	531.1, <u>Standard</u> <u>Methods---</u> <u>18th---</u> <u>ed:--</u> Method 6610
Chlordane	505, 508, 508.1, 525.2
Dalapon	515.1, 552.1, <u>552.2</u> , 515.3
Di(2-ethylhexyl)adipate	506, 525.2
Di(2-ethylhexyl)phthalate	506, 525.2
Dibromochloropropane (DBCP)	504.1, 551.1
Dinoseb	515.1, 515.2, <u>515.3</u> , 555
Diquat	549.1
Endothall	548.1
Endrin	505, 508, 508.1, 525.2, <u>551.1</u>

POLLUTION CONTROL BOARD  
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Contaminant	Analytical Methods
Total Trihalomethanes (TTHMs), Trihalomethanes (THMs), and Maximum Total Trihalomethane Potential	502.2, 524.2, 551.1
State-Only MCLs (for which a method is not listed above):	
Contaminant	Analytical Methods
Aldrin	505, 508, 508.1, 525.2
DDT	505, 508
Dieldrin	505, 508, 508.1, 525.2

Ethylene Dibromide (EDB)	504.1, 551.1
Glyphosate	547, Standard Method 6631
Heptachlor	505, 508, 508.1, 525.2, 551.1
Heptachlor Epoxide	505, 508, 508.1, 525.2, 551.1
Hexachlorobenzene	505, 508, 508.1, 525.2, 551.1
Hexachlorocyclopentadiene	505, 508, 508.1, 525.2, 551.1
Lindane	505, 508, 508.1, 525.2, 551.1
Methoxychlor	505, 508, 508.1, 525.2, 551.1
Oxamyl	531.1, Standard Method 6610
PCBs (measured for compliance purposes as dechlorobiphenyl)	508A
PCBs (qualitatively identified as Aroclors)	505, 508, 508.1, 525.2
Pentachlorophenol	515.1, 515.2, 525.2, 551.3, 553.7, 553.9
Picloram	515.1, 515.2, 555.2, 553.7, 553.9
Simazine	505*, 507, 508.1, 525.2, 551.2
Toxaphene	505, 508, 525.2, 508.1
Total Trihalomethanes (TTHMs):	

\* denotes that for the particular contaminant, a nitrogen-phosphorus detector should be substituted for the electron capture detector in method 505 (or another approved method should be used) to determine alachlor, atrazine, and simazine if lower detection limits are required.

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BOARD NOTE: Derived from 40 CFR 141.24 (1993)995).  
(Source: Amended at 24 Ill. Reg. 14.2.26, effective September 1, 2000)

BOARD NOTE: Derived from 40 CFR 141.24 (1993)995).  
(Source: Amended at 24 Ill. Reg. 14.2.26, effective September 1, 2000)

Section 611.646 Phase I, Phase II, and Phase V Volatile Organic Contaminants  
Monitoring of the Phase I, Phase II, and Phase V VOCs for the purpose of determining compliance with the MCL must be conducted as follows:  
a) Definitions. As used in this Section:

Section 611.646 Phase I, Phase II, and Phase V Volatile Organic Contaminants  
Monitoring of the Phase I, Phase II, and Phase V VOCs for the purpose of determining compliance with the MCL must be conducted as follows:  
a) Definitions. As used in this Section:

"Detect" and "detection" mean means that the contaminant of interest is present at a level greater than or equal to the "detection limit".  
"Detection limit" means 0.0005 mg/L.  
BOARD NOTE: Derived from 40 CFR 141.24(f)(7), (f)(11), (f)(14)(i), and (f)(20) (1999)994). This is a "trigger level" for Phase I, Phase II, and Phase V VOCs inasmuch as it prompts further action. The use of the term "detect" in this Section is not intended to include any analytical capability of quantifying lower levels of any contaminant, or the "detection limit". Note, however, that certain language at the end of Federal Paragraph (f)(20) is capable of meaning that the

"Detect" and "detection" mean means that the contaminant of interest is present at a level greater than or equal to the "detection limit".  
"Detection limit" means 0.0005 mg/L.  
BOARD NOTE: Derived from 40 CFR 141.24(f)(7), (f)(11), (f)(14)(i), and (f)(20) (1999)994). This is a "trigger level" for Phase I, Phase II, and Phase V VOCs inasmuch as it prompts further action. The use of the term "detect" in this Section is not intended to include any analytical capability of quantifying lower levels of any contaminant, or the "detection limit". Note, however, that certain language at the end of Federal Paragraph (f)(20) is capable of meaning that the

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"method detection limit" is used to derive the "detection limit". The Board has chosen to disregard that language at the end of paragraph (f)(20) in favor of the more direct language of paragraphs (f)(7) and (f)(11).

"Method detection limit", as used in subsections (g) and (t) of this Section below means the minimum concentration of a substance that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero and is determined from analysis of a sample in a given matrix containing the analyte.

BOARD NOTE: Derived from 40 CFR 136, Appendix B (1999 ~~1994~~). The method detection limit is determined by the procedure set forth in 40 CFR 136, Appendix B. See subsection (t) of this Section below.

- b) Required sampling. Each supplier shall take a minimum of one sample at each sampling point at the times required in subsection (u) of this Section below.

## c) Sampling points.

- 1) Sampling points for GWSs. Unless otherwise provided by SEP, a GWS supplier shall take at least one sample from each of the following points: each entry point that is representative of each well after treatment.

- 2) Sampling points for SMSs and mixed systems. Unless otherwise provided by SEP, a SMS or mixed system supplier shall sample from each of the following points:

- A) Each entry point after treatment; or  
B) Points in the distribution system that are representative of each source.

- 3) The supplier shall take each sample at the same sampling point unless the Agency has granted a SEP that designates another location as more representative of each source or treatment plant, or within the distribution system.

- 4) If a system draws water from more than one source, and the sources are combined before distribution, the supplier shall sample at an entry point during periods of normal operating conditions when water is representative of all sources being used.

BOARD NOTE: Subsections (b) and (c) of this Section above derived from 40 CFR 141.24(f)(1) through (f)(3) (1993~~1994~~).

- d) Each GWS and WTCWS supplier shall take four consecutive quarterly samples for each of the Phase I VOCs, excluding vinyl chloride, and Phase II VOCs during each compliance period, beginning in the compliance period starting in the initial compliance period.

- e) Reduction to annual monitoring frequency. If the initial monitoring for the Phase I, Phase II, and Phase V VOCs as allowed in subsection (t)(1) of this Section below has been completed by December 31, 1992,

## POLLUTION CONTROL BOARD

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and the supplier did not detect any of the Phase I VOCs, including vinyl chloride, Phase II, or Phase V VOCs, then the supplier shall take one sample annually beginning in the initial compliance period.

- f) GWS reduction to triennial monitoring frequency. After a minimum of three years of annual sampling, GWS suppliers that have not previously detected any of the Phase I VOCs, including vinyl chloride, Phase II, or Phase V VOCs, shall take one sample during each three-year compliance period.

- g) A GWS or WTCWS supplier that has completed the initial round of monitoring required by subsection (d) of this Section above and which did not detect any of the Phase I VOCs, including vinyl chloride, Phase II, and Phase V VOCs, may apply to the Agency for a SEP pursuant to Section 611.110 that releases it from the requirements of subsection (e) or (f) of this Section above. A supplier that serves fewer than 3300 service connections may apply to the Agency for a SEP pursuant to Section 611.110 that releases it from the requirements of subsection (d) of this Section above as to 1,2,4-trichlorobenzene.

BOARD NOTE: Derived from 40 CFR 141.24(f)(7) and (f)(10) (1993~~1994~~), and the discussion at 57 Fed. Reg. 31825 (July 17, 1992). Provisions concerning the term of the waiver appear below in subsections (i) and (j) of this Section below. The definition of "detect", parenthetically added to the federal counterpart paragraph, is in subsection (a) of this Section above.

- h) Vulnerability Assessment. The Agency shall consider the factors of Section 611.110(e) in granting a SEP from the requirements of subsections (d), (e), or (f) of this Section above sought pursuant to subsection (g) of this Section above.

- i) A SEP issued to a GWS pursuant to subsection (g) of this Section above is for a maximum of six years, except that a SEP as to the subsection (d) of this Section above monitoring for 1,2,4-trichlorobenzene shall apply only to the initial round of monitoring. As a condition of a SEP, except as to a SEP from the initial round of subsection (d) of this Section above monitoring for 1,2,4-trichlorobenzene, the supplier shall, within 30 months after the beginning of the period for which the waiver was issued, reconfirm its vulnerability assessment required by subsection (b) of this Section above and submitted pursuant to subsection (g) of this Section above, by taking one sample at each sampling point and reapplying for a SEP pursuant to subsection (g) of this Section above. Based on this application, the Agency shall either:

- 1) If it determines that the FWS meets the standard of Section 611.610(e), issue a SEP that reconfirms the prior SEP for the remaining three-year compliance period of the six-year maximum term; or

- 2) Issue a new SEP requiring the supplier to sample annually.

BOARD NOTE: This provision does not apply to SMSs and mixed systems.

- j) Special considerations for SEPs for SWSs and mixed systems.



## POLLUTION CONTROL BOARD

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- 1) The Agency must determine that a SWS is not vulnerable before issuing a SEP pursuant to a SWS supplier. A SEP issued to a SWS or mixed system supplier pursuant to subsection (g) of this Section above is for a maximum of one compliance period; and
- 2) The Agency may require, as a condition to a SEP issued to a SWS or mixed supplier, that the supplier take such samples for Phase I, Phase II, Phase V VOCs at such a frequency as the Agency determines are necessary, based on the vulnerability assessment. BOARD NOTE: There is a great degree of similarity between 40 CFR 141.24(f)(7), the provision applicable to GWSs, and 40 CFR 141.24(f)(10), the provision for SWSs. The Board has consolidated the common requirements of both paragraphs into subsection (g) of this Section above. Subsection (j) of this Section above represents the elements unique to SWSs and mixed systems, and subsection (i) of this Section above relates to GWSs. Although 40 CFR 141.24(f)(7) and (f)(10) are silent as to mixed systems, the Board has included mixed systems with SWSs because this best follows the federal scheme for all other contaminants.
- k) If one of the Phase I VOCs, excluding vinyl chloride, Phase II, or Phase V VOCs is detected in any sample, then:
- 1) The supplier shall monitor quarterly for that contaminant at each sampling point that resulted in a detection.
  - 2) Annual monitoring shall be required.
    - A) The Agency shall grant a SEP pursuant to Section 611.110 that allows a supplier to reduce the monitoring frequency to annually annuel at a sampling point if it determines that the sampling point is reliably and consistently below the MCL.
    - B) A request for a SEP must include the following minimal information:
      - i) For a GWS, two quarterly samples.
      - ii) For a SWS or mixed system, four quarterly samples.
    - C) In issuing a SEP, the Agency shall specify the level of the contaminant upon which the "reliably and consistently" determination was based. All SEPs that allow less frequent monitoring based on an Agency "reliably and consistently" determination shall include a condition requiring the supplier to resume quarterly monitoring pursuant to subsection (k)(1) of this Section above if it violates the MCL specified by Section 611.311.
- 3) Suppliers that monitor annually shall monitor during the quarter(s) that previously yielded the highest analytical result.
- 4) Suppliers that do not detect a contaminant at a sampling point in three consecutive annual samples may apply to the Agency for a SEP pursuant to Section 611.110 that allows it to discontinue monitoring for that contaminant at that point, as specified in subsection (g) of this Section above.

## POLLUTION CONTROL BOARD

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- 5) A GWS supplier that has detected one or more of the two-carbon contaminants listed in subsection (k)(5)(A) of this Section below shall monitor quarterly for vinyl chloride as described in subsection (k)(5)(B) of this Section below, subject to the limitation of subsection (k)(5)(C) of this Section below.
- A) Two-carbon contaminants (Phase I or II VOC):
    - 1,1-Dichloroethane (Phase I)
    - 1,1-Dichloroethylene (Phase I)
    - cis-1,2-Dichloroethylene (Phase II)
    - trans-1,2-Dichloroethylene (Phase II)
    - Tetrachloroethylene (Phase II)
    - 1,1,1-Trichloroethylene (Phase I)
    - Trichloroethylene (Phase I)
  - B) The supplier shall sample quarterly for vinyl chloride at each sampling point at which it detected one or more of the two-carbon contaminants listed in subsection (k)(5)(A) of this Section above.
  - C) The Agency shall grant a SEP pursuant to Section 611.110 that allows the supplier to reduce the monitoring frequency for vinyl chloride at any sampling point to once in each three-year compliance period if it determines that the supplier has not detected vinyl chloride in the first sample required by subsection (k)(5)(B) of this Section above.
- 1) Quarterly monitoring following MCL violations.
- 1) Suppliers that violate an MCL for one of the Phase I VOCs, including vinyl chloride, Phase II, or Phase V VOCs, as determined by subsection (o) of this Section below, shall monitor quarterly for that contaminant, at the sampling point where the violation occurred, beginning the next quarter after the violation.
  - 2) Annual monitoring.
    - A) The Agency shall grant a SEP pursuant to Section 611.110 that allows a supplier to reduce the monitoring frequency to annually if it determines that the sampling point is reliably and consistently below the MCL.
    - B) A request for a SEP must include the following minimal information: four quarterly samples.
    - C) In issuing a SEP, the Agency shall specify the level of the contaminant upon which the "reliably and consistently" determination was based. All SEPs that allow less frequent monitoring based on an Agency "reliably and consistently" determination shall include a condition requiring the supplier to resume quarterly monitoring pursuant to subsection (1)(1) of this Section above if it violates the MCL specified by Section 611.311.
    - D) The supplier shall monitor during the quarter(s) that previously yielded the highest analytical result.
  - m) Confirmation samples. The Agency may issue a SEP pursuant to Section

## POLLUTION CONTROL BOARD

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610.110 to require a supplier to use a confirmation sample for results that it finds dubious for whatever reason. The Agency must state its reasons for issuing the SEP if the SEP is Agency-initiated.

1) If a supplier detects any of the Phase I, Phase II, or Phase V VOCs in a sample, the supplier shall take a confirmation sample as soon as possible, but no later than 14 days after the supplier receives notice of the detection.

2) Averaging is as specified in subsection (o) of this Section below.

3) The Agency shall delete the original or confirmation sample if it determines that a sampling error occurred, in which case the confirmation sample will replace the original or confirmation sample.

n) This subsection corresponds with 40 CFR 141.24(f)(14), an optional USEPA provision relating to compositing of samples that USEPA does not require for state programs. This statement maintains structural consistency with USEPA rules.

o) Compliance with the MCLs for the Phase I, Phase II, and Phase V VOCs must be determined based on the analytical results obtained at each sampling point.

1) For suppliers that conduct monitoring at a frequency greater than annual, compliance is determined by a running annual average of all samples taken at each sampling point.

A) If the annual average of any sampling point is greater than the MCL, then the supplier is out of compliance.

B) If the initial sample or a subsequent sample would cause the annual average to exceed the MCL, then the supplier is out of compliance immediately.

C) Any samples below the detection limit shall be deemed as zero for purposes of determining the annual average.

2) If monitoring is conducted annually, or less frequently, the supplier is out of compliance if the level of a contaminant at any sampling point is greater than the MCL. If a confirmation sample is taken, the determination of compliance is based on the average of two samples.

3) When the portion of the distribution system that is out of compliance is separable from other parts of the distribution system and has no interconnections, the supplier may issue the public notice required by Subpart T of this Part only to persons served by that portion of the distribution system that is not in compliance.

p) This provision corresponds with 40 CFR 141.24(f)(16) (1993 1994), which USEPA removed and reserved at 59 Fed. Reg. 62468 (Dec. 5, 1994). This statement maintains structural consistency with the federal regulations.

q) Analysis under this Section must only be conducted by laboratories that have received certification by USEPA or the Agency according to the following conditions:

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

1) To receive certification to conduct analyses for the Phase I VOCs, excluding vinyl chloride, Phase II VOCs, and Phase V VOCs, the laboratory must:

A) Analyze performance evaluation samples that include these substances provided by the Agency pursuant to 35 Ill. Adm. Code Part 186 95-111-Adm-Code-183-125(f);

B) Achieve the quantitative acceptance limits under subsections (q)(1)(C) and (q)(1)(D) of this Section below for at least 80 percent of the Phase I VOCs, excluding vinyl chloride, Phase II VOCs, except vinyl chloride, or Phase V VOCs;

C) Achieve quantitative results on the analyses performed under subsection (q)(1)(A) of this Section above that are within  $\pm 20$  percent of the actual amount of the substances in the performance evaluation sample when the actual amount is greater than or equal to 0.010 mg/L;

D) Achieve quantitative results on the analyses performed under subsection (q)(1)(A) of this Section above that are within  $\pm 40$  percent of the actual amount of the substances in the performance evaluation sample when the actual amount is less than 0.010 mg/L; and

E) Achieve a method detection limit of 0.0005 mg/L, according to the procedures in 40 CFR 136, Appendix B, incorporated by reference in Section 611.102.

2) To receive certification to conduct analyses for vinyl chloride the laboratory must:

A) Analyze performance evaluation samples provided by the Agency pursuant to 35 Ill. Adm. Code Part 186 95-111-Adm-Code-183-125(f);

B) Achieve quantitative results on the analyses performed under subsection (q)(2)(A) of this Section above that are within  $\pm 40$  percent of the actual amount of vinyl chloride in the performance evaluation sample;

C) Achieve a method detection limit of 0.0005 mg/L, according to the procedures in 40 CFR 136, Appendix B, incorporated by reference in Section 611.102; and

D) Obtain certification pursuant to subsection (q)(1) of this Section above for Phase I VOCs, excluding vinyl chloride, Phase II VOCs, and Phase V VOCs.

r) Use of existing data.

1) The Agency shall allow the use of data collected after January 1, 1988 but prior to the effective date of this Section, pursuant to Agency sample request letters, if it determines that the data are generally consistent with the requirements of this Section.

2) The Agency shall grant a SEP pursuant to Section 611.110 that allows a supplier to monitor annually beginning in the initial compliance period if it determines that the supplier did not detect any Phase I, Phase II, or Phase V VOCs VGE using existing data allowed pursuant to subsection (r)(1) of this Section above.

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- s) The Agency shall, by SEP, increase the number of sampling points or the frequency of monitoring if it determines that it is necessary to detect variations within the PWS.
- t) Each laboratory certified for the analysis of Phase I, Phase II, or Phase V VOCs pursuant to subsection (g)(1) or (g)(2) of this Section above shall:
- 1) Determine the method detection limit (MDL), as defined in 40 CFR 136, Appendix B, incorporated by reference in Section 611.102, at which it is capable of detecting the Phase I, Phase II, and Phase V VOCs; and,
  - 2) Achieve an MDL for each Phase I, Phase II, and Phase V VOC that is less than or equal to 0.0005 mg/L.
- u) Each supplier shall monitor, within each compliance period, at the time designated by the Agency by SEP pursuant to Section 611.110.

BOARD NOTE: Derived from 40 CFR 141.24(f) (1992 1994).

(Source: Amended 24 Ill. Reg. 14226, effective

July 1, 2000)

## ILLINOIS COMMERCE COMMISSION

NOTICE OF REFUSAL TO MEET THE OBJECTION AND SUSPENSION OF THE JOINT COMMITTEE  
ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Requirements for Non-Business Entities with Private Business Switch Service to Comply with the Emergency Telephone System Act
- 2) Code Citation: 83 Ill. Adm. Code 727
- 3) Section Numbers: Proposed Action:
- |         |         |
|---------|---------|
| 727.100 | Refusal |
| 727.105 | Refusal |
| 727.200 | Refusal |
| 727.205 | Refusal |
| 727.300 | Refusal |
| 727.305 | Refusal |
| 727.400 | Refusal |
| 727.500 | Refusal |
| 727.505 | Refusal |
| 727.510 | Refusal |

- 4) Date Notice of Emergency Rules Published in the Register: June 23, 2000, 24 Ill. Reg. 8635

- 5) Date JCAR Statement of Objection Published in the Register: June 23, 2000, 24 Ill. Reg. 8650

- 6) Summary of Action Taken by the Agency: The Commission refuses to modify or repeal the emergency rules. The basis for the Joint Committee's objection to and suspension of the emergency rules is that the Commission has exceeded its statutory authority under Section 15.6 of the Emergency Telephone System Act by extending the application of the Act to schools, local governments, and not-for-profit organizations. The Commission notes that there is no specific statutory exemption for schools, governmental units, and not-for-profit organizations. The Commission continues to be of the opinion that schools, governmental units, and not-for-profit organizations remain within the scope of Section 15.6 of the Emergency Telephone System Act.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of September 6, 2000 through September 11, 2000 and have been scheduled for review by the Committee at its October 17, 2000 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
10/20/00	Department of Human Services, Determination of Need (DON) and Resulting Service Cost Maximums (SCMs) (89 Ill Adm Code 679)	7/7/00 24 Ill Reg 9321	10/17/00
10/21/00	Illinois Racing Board, Purse Recapture (11 Ill Adm Code 213)	7/7/00 24 Ill Reg 9331	10/17/00

PROCLAMATIONS

2000-408 (REVISED 2)  
UKRAINIAN DAY

WHEREAS, Ukrainian Americans have contributed greatly to the State of Illinois in all areas including arts, education, sciences, business, medicine, law, government, and public service; and

WHEREAS, the Ukrainian community has several institutions including the Ukrainian Institute of Modern Art, the Ukrainian National Museum, the American Ukrainian Youth Association, Plast, Inc., and the Association of American Youth of Ukrainian Descent; and

WHEREAS, Senator Walter Dudyycz plays a significant role in supporting the cultural tapestry of the State of Illinois; and

WHEREAS, Selfreliance Ukrainian Federal Credit Union plays a significant role in supporting Ukrainian culture and heritage; and

WHEREAS, the Ukrainian community of Illinois will be honored at the Governor's Executive Mansion; and

WHEREAS, Ukrainian heritage celebration will include a cultural program presented by Ukrainian American Organizations;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 17, 2000, as UKRAINIAN DAY in Illinois.

Issued by the Governor September 1, 2000.

Filed by the Secretary of State September 12, 2000.

2000-431  
HANDBALL WEEK

WHEREAS, the people of Illinois are proud to join with the World Handball Council and the U.S. Handball Association in celebrating Handball Week; and

WHEREAS, the good health and well-being of our citizens is greatly enhanced when they make a commitment to staying fit through a sound exercise regimen such as handball; and

WHEREAS, handball known as the world's oldest game played with a ball, is growing in popularity and is one of the most physically and mentally demanding and challenging sports; and

WHEREAS, this year the State of Illinois will host the 2000 Waterford Crystal Handball Championships at the Lattof YMCA in Des Plaines, Illinois; and

WHEREAS, we salute the World Handball Council, the U.S. Handball Association and the Lattof YMCA for bringing this exciting sporting event to the State of Illinois, and welcome those who will compete in the tournament and wish them every success;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 8-15, 2000, as HANDBALL WEEK in Illinois.

Issued by the Governor September 1, 2000.

Filed by the Secretary of State September 12, 2000.

2000-432  
POW/MIA RECOGNITION DAY

WHEREAS, VVA National Convention Resolution PM-11-99, "State POW/MIA Recognition Day will be nationally observed on September 15, 2000; and



WHEREAS, this federal commemoration honors America's Prisoners of War (POW) and Missing In Action (MIA), both those who returned and those still missing and unaccounted for from our nation's wars; and

WHEREAS, this special day has been designated each year since 1979; and WHEREAS, over the past several years, most of the 50 states have proclaimed POW/MIA Recognition Day in conjunction with the national effort;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 15, 2000, as POW/MIA RECOGNITION DAY in Illinois.

Issued by the Governor September 1, 2000.

Filed by the Secretary of State September 12, 2000.

#### 2000-433

##### THE COMBINED LAW ENFORCEMENT HISPANIC HERITAGE COMMITTEE DAY

WHEREAS, The Combined Law Enforcement Hispanic Heritage Committee (CLEHHC) is a non-profit organization comprised of volunteers from various federal, State, and local law enforcement agencies in and around the Chicago area; and

WHEREAS, the goal of the CLEHHC is to bring attention to the outstanding efforts of Hispanic law enforcement officers and members of the community who have promoted a positive image within the Hispanic community, provided community service, served as emulative role models, and worked for the advancement of the Hispanic community and the betterment of the community at large during Hispanic Heritage Month; and

WHEREAS, the committee also believes in the importance of grooming and acknowledging the next generation of community leaders and annually recognizes the achievements and accomplishments of several elementary and high school students through its scholarship program;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 27, 2000, as THE COMBINED LAW ENFORCEMENT HISPANIC HERITAGE COMMITTEE DAY in Illinois.

Issued by the Governor September 1, 2000.

Filed by the Secretary of State September 12, 2000.

#### 2000-434

##### FOREST PRODUCTS WEEK

WHEREAS, the number of primary wood-using industries in Illinois has remained approximately the same over the last several years, and half that of 15 years ago. Our wood industry has developed production techniques, upgraded equipment and adopted scientific methods to provide needed production while maintaining a relatively favorable cut-to-growth ratio; and

WHEREAS, more than 42 million cubic feet of industrial round-wood was harvested from Illinois forests last year, an increase of over 31 percent in the last 15 years, and hardwood growth averaged 39 percent during the same period. Pulpwood production decreased 35 percent while veneer material increased by 7 million cubic feet. This indicated Illinois is not only growing more wood than is being cut, but the quality of our forest lands is improving; and

WHEREAS, saw logs are the predominant round-wood product harvested from Illinois forests, with both logs and lumber exported around the world. These products are recognized internationally. Our wood industries continue working toward meeting local, national and export demands for Illinois wood products

not only in our primary mills, but in 1,800 conversion plants comprising our secondary wood-using companies; and

WHEREAS, thousands are employed directly and indirectly by our forest products industry, generating nearly five percent of Illinois' total commerce. Primary industries including lumber, veneer, cooperage, piling, chips and fuel employ over 60,000 individuals with an annual payroll of more than a billion dollars; and

WHEREAS, the Illinois Department of Natural Resources and members of the wood industry and woodland owners work together to solve problems and strive to extend the forest resources of our State for the benefit of all, strengthening the economy while protecting the environment;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 15-21, 2000, as FOREST PRODUCTS WEEK in Illinois. I urge all citizens to remember their roles as guardians of our forest lands and as consumers of those many items produced through the wise use of our forests by a knowledgeable forest products industry.

Issued by the Governor September 5, 2000.

Filed by the Secretary of State September 12, 2000.



Rules acted upon during the calendar quarter from Issue 30 through Issue 42 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 2600 published in Issue 1 will be listed as 50-2600-1. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or [jralph@cat.state.il.us](mailto:jralph@cat.state.il.us) on the Internet.

<b>PROPOSED</b>	77-245-32	77-820-31
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2-3201-37	77-300-36	77-892-33
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26-100-35	83-550-39	89-113-32.36
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